UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/268
26 July 1993
ENGLISH
ORIGINAL: ARABIC/ENGLISH/
FRENCH/SPANISH

Forty-eighth session
Item 143 of the provisional agenda*

PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER

Report of the Secretary-General

CONTENTS

		Page
I.	INTRODUCTION	2
II.	VIEWS AND COMMENTS SUBMITTED BY GOVERNMENTS	2
	Argentina	2
	Iraq	3
	Lesotho	6
III.	VIEWS AND COMMENTS SUBMITTED BY INTERNATIONAL ORGANIZATIONS	7
	Asian-African Legal Consultative Committee	7
	International Labour Organisation	9
	United Nations Educational, Scientific and Cultural Organization	11
	World Health Organization	11

* A/48/150.

030893

93-40333 (E) 030893

I. INTRODUCTION

1. On 9 December 1991, the General Assembly adopted resolution 46/52, entitled "Progressive development of the principles and norms of international law relating to the new international economic order". In that resolution, the Assembly referred to the analytical study submitted to it at its thirty-ninth session by the United Nations Institute for Training and Research (UNITAR) (A/39/504/Add.1, annex III); considered that the impact on developing countries of the current international economic situation should be examined; decided to establish a working group of the Sixth Committee to develop the principles and norms of international law relating to the new international economic order; and called upon the Secretary-General to request Member States and competent international organizations to formulate their comments, in particular on the principles which they thought might be given priority attention by the working group, and to include their comments in a report to be submitted to the General Assembly at its forty-eighth session.

2. The Secretary-General accordingly addressed a note to the Governments of Member States and a letter to competent international organizations, both dated 27 February 1992, inviting them to communicate to him any comments that they might wish to send, pursuant to resolution 46/52.

3. The present report contains the replies received from Governments and international organizations as at 15 July 1993. Further replies on this item will be reproduced in addenda to the present report.

II. VIEWS AND COMMENTS SUBMITTED BY GOVERNMENTS

ARGENTINA

[Original: Spanish]

[13 April 1993]

In the view of the Argentine Government, the following principles should guide the activities of the working group that has been established pursuant to paragraph 3 of resolution 46/52:

A. General framework:

General Assembly resolution S-18/3 of 1 May 1990, which contains the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth of the Developing Countries;

General Assembly resolution 45/199 of 21 December 1990, which contains the International Development Strategy for the Fourth United Nations Development Decade;

B. Specific points to be considered as principles by the working group:

Paragraphs 21 to 38 of resolution S-18/3, concerning commitments and policies for international development cooperation;

Paragraph 17 of General Assembly resolution 47/183 of 22 December 1992, relating to the elimination of protectionism, which reads:

> "Calls upon the international community to assist in promoting measures necessary for the revitalization of the development process in the developing countries, in pursuit of the objective of revitalizing international trade, sustained economic growth and development;"

Paragraph 126 of the Cartagena Commitment adopted by the United Nations Conference on Trade and Development at its eighth session, which sets as objectives for the international community the following:

> "(a) To halt and reverse protectionism in order to bring about further liberalization and expansion of world trade, to the benefit of all countries, in particular the developing countries;
>
> "(b) To provide for an equitable, secure, non-discriminatory and predictable international trading system;
>
> "(c) To facilitate the integration of all countries into the world economy and the international trading system;
>
> "(d) To ensure that environment and trade policies are mutually supportive, with a view to achieving sustainable development;
>
> "(e) To strengthen the international trading system through an early and balanced outcome of the Uruguay Round of multilateral trade negotiations."

IRAQ

[Original: Arabic]

[7 June 1993]

1. The Government of Iraq attaches considerable weight to the question of the development of the principles and norms of international law relating to the new international economic order, inasmuch as it is a question of exceptional importance in our current situation vis-à-vis the developing countries, which have striven and continue to strive for the establishment of a new international economic order that is more just and more in keeping with the needs of the times. Iraq, therefore, being one of the parties that have called for the creation of that order, supports the establishment of an international group of the Sixth Committee of the General Assembly to continue work on the development and improvement of those principles.

2. The deterioration of economic conditions in many countries of the world, the structural changes taking place in economic systems and international economic relations, the reneging on international commitments which the world is witnessing and the limited character of so-called multilateral negotiations, not to mention the unbalanced or improper application of the principles in question, all lend a new impetus and new importance to the work of such a group, not only for the study of the development of those principles, but also for the study of the question of the violations to which those principles are subject.

3. The principle that rules change with the times is a corollary to the notion of legislation keeping up with the times and it is therefore unacceptable and unreasonable for the international economic order to remain bound by norms and rules which were established back in the 1940s and the 1950s and imposed by a small group of States that emerged triumphant from the war, when many of today's States did not exist at that time or did not take part in the formulation of those principles and norms.

4. The earnest endeavours which were made during the 1970s to establish the international economic order on a new basis in keeping with the requirements imposed by the changes taking place in the world and led to the adoption of a number of resolutions and documents, the most outstanding of which are perhaps General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, resolution 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, and resolution 3362 (S-VII) of 16 September 1975 on development and international economic cooperation, continue to constitute basic reference points for the establishment of the desired new international economic order if they have not been transformed into binding legal instruments and advanced along the road to sound and faithful implementation.

5. The principles dealt with in the above resolutions can, if given the proper legal form, bring about sovereign equality and cooperation among States.

6. One cannot ignore the fact that the international economic order is closely tied to two important questions, namely peace and security, without which no order or system, however sound, can bear fruit and serve the desired economic goals. For that reason, developments relating to the principles and norms of the new international economic order should stress the need for a commitment on the part of States to refrain from economic coercion and provocation leading to instability within States and from all practices that result in a loss of confidence in international economic relations and are not conducive to international economic security.

7. The discrepancies in the economic performance of States and in their levels of development render it necessary, when one takes up the question of the progressive development of principles and norms relating to the new international economic order, to take into account conditions in countries with low levels of development so as to guarantee preferential treatment that will help those countries overcome the obstacles to their development and catch up with the developed countries.

8. Because the developing countries have had to bear boundless economic and social costs owing to world economic crises that have had a far-reaching, devastating economic impact, it is imperative to arrive at international norms for world economic policy that will ease the burden of those costs for developing countries and help them find just solutions to world-economy-related problems especially in the monetary and financial areas.

9. For the international working group, establishing new norms or developing existing norms means operating in two fundamental directions. The first involves examining all rules and principles which are no longer in line with existing conditions, especially in the areas of transferring technology, opening markets to the flow of international trade, combating international monopolistic practices and creating appropriate executive formulas for the performance of international obligations and agreements. The other direction involves the formulation of new norms and principles to deal with new situations and developments.

10. In view of the foregoing, the Government of Iraq considers that the comments and conclusions contained in the study prepared by the United Nations Institute for Training and Research (UNITAR) and the decisions adopted by the international community can serve as a valuable source of inspiration for the working group, with the proviso that the group must at the same time consider the need to stress the following points:

(a) The principle of progressiveness in the development of principles and norms must not serve as a loophole or a pretext for procrastinating and obstructing the desired development process, especially since, as we have seen, the question of that development has remained a live issue on the floor of the United Nations from the mid-1970s to the present;

(b) All principles and norms must be fully present, and no norm must be made to predominate to the detriment of another. The principle of maintaining peace and security is in total conflict with policies aimed at the impoverishment and starvation of peoples, and economic coercion and attempts to bring to a halt the economic activity of a State are incompatible with the principles of economic and social cooperation laid down in Articles 55 and 56 of the Charter of the United Nations;

(c) The question of establishing and formulating principles and norms is a fundamental issue; however, it will not suffice unless the creation of suitable mechanisms for the implementation of those principles and norms is taken into account. In addition, it is essential to establish monitoring centres to assist in identifying violations and the improper application of such principles;

(d) Non-participation by any entity in decisions that directly affect it is tantamount to the nullification of its sovereignty and its right of self-determination. This is a grave matter that makes it incumbent on the working group to find appropriate ways and formulas that include not only the participation of that entity in the making of decisions which affect it, but also the balanced apportionment and distribution of authority;

(e) The principle of sovereign equality also means changing the voting procedures currently in force which are incompatible with that principle and

prejudicial to developing countries and their right to development, and this requires insisting on the principle of equality among States in international decision-making;

(f) The question of the creation of institutional forms for the performance of international commitments is a fundamental issue to which the group must devote its attention, inasmuch as such commitments remain meaningless undertakings so long as they do not assume the appropriate executive form;

(g) The equitable apportionment of common benefits is a principle that has been generally accepted in its broad lines, thus making it possible to extend the work to other areas. In this connection, we deem it necessary for the international working group to stress the rights of States to use the waters of international rivers by requiring any State, when exercising the right to use the waters of an international river within its region, to respect the rights of the other States concerned in respect of the waters of that river, not to impair those rights or the legitimate interests of other States and to consult with such other States, before carrying out its projects, with a view to ensuring the benefit of those waters for all riparian countries. The States concerned, moreover, must come to an agreement among themselves, in accordance with the principles and norms of international law, defining each State's share of the waters of international rivers and the standards of quality of those waters.

LESOTHO

[Original: English]

[8 April 1993]

The Government of the Kingdom of Lesotho wishes to see priority attention given by the working group of the Sixth Committee to the following four issues:

(a) The principle of solidarity;

(b) The principle relating to the duty to cooperate;

(c) The right to development;

(d) The feasibility of attaining a new international economic order in the light of the deteriorating economic conditions in developing countries and in particular such areas as the debt problem, the commodity issue, and so forth.

III. VIEWS AND COMMENTS SUBMITTED BY INTERNATIONAL ORGANIZATIONS

ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

[Original: English]

[7 May 1993]

1. It may be noted that the Asian-African Legal Consultative Committee (AALOC) has been dealing with some of the crucial issues relating to the new international economic order in its annual sessions. AALOC, as an intergovernmental organization committed to the promotion and progressive development of international law, lays emphasis in all its activity on the primacy of legal principles for a just and equitable international order. It is needless to emphasize once again how important this basic tenet is for the developing countries of Asia and Africa.

2. The principle of "sovereign equality" of States should be highlighted in no uncertain terms at this juncture. In principle, the "sovereign equality" of States is given foremost application in all the transactions of the international community. However, there are many operational deficiencies in its application, especially while implementing norms relating to economic and trade law. International lawyers of developed countries consider that these operational deficiencies of international economic and trade law stem from policies which have limited national jurisdiction. For instance, trade-related negotiations in the General Agreement on Tariffs and Trade (GATT) forum have a possibility of bilateral application. Accordingly, "cross-retaliation" has become a part of the emerging economic order. In the process the "sovereign equality" of States is workable only in principle. A fresh look at such developments, for example, determination of the international economic order through retaliatory clauses in the national legislations, is very much essential in the light of the changing world order.

3. Accordingly, the following principles and norms of the new international economic order call for more emphasis and study. They are:

(a) The right of States to choose the model for their development;

(b) The right of States to choose the forms of organization of their foreign economic relations;

(c) The right of States to participate in subregional, regional and interregional cooperation;

(d) The delictual nature of measures of interference with the free exercise of the rights implicit in the principle of economic self-determination.

While reaffirming the crucial importance of these norms, it is a trifle difficult to outline their current applicability. This is because it is difficult to say how far countries with developing economies could maintain intact their external and internal sovereignty.

4. As it has been correctly pointed out "there is no room for disagreement as regards the broad enunciation of the principle [of permanent sovereignty over natural resources] in that it affirms general principles of international law, in particular those of sovereignty and territorial jurisdiction in their application ... to the natural wealth and resources of the State and to its economic domain in general". In the present context, the need for increasing the flow of foreign investment has been expressed by most of the countries. Foreign investment and utilization of resources are the two related and crucial issues. In view of the developmental priorities of States, how are these two aspects to be realized? This calls for a closer scrutiny as it decides the rate of flow of foreign investment. There are two other important factors that need examination in the light of foreign investment and resource utilization. They are: (a) internal stability and (b) preservation of the environment.

5. The question of "internal stability and its relation to the flow of foreign investment" is intrinsically linked essentially with political factors rather than legal factors. It should be emphasized that stable economic growth with a favourable external debt situation would be sine qua non for consistent and viable internal stability. This has been a noticeable factor in many of the Asian and African countries. Since these factors, as mentioned above, essentially fall outside the scope of work of the AALOC, we restrict our comments to the legally viable alternatives. Internally, a State may have the option to decide to which sector of its economy foreign investments should be channelled. However, the prevailing situation in the field of external debt shows that it is not easy to monitor such a flow. The external borrowing to meet the necessary investment in various sectors of the economy has to meet stringent conditions "imposed" by international agencies. These conditions decide the sectors to which borrowing should be channelled. They also monitor various aspects of the internal economic conditions of a borrowing country. The international legal viability of these conditions should be considered as it touches the norms of the new international economic order.

6. Environmental factors are assuming greater importance in the present circumstances. As mentioned earlier, each State has the right to choose the model for its development. The definition of "development" itself has been subjected to varied interpretation. However, there is near total unanimity as regards the need to ensure "sustainable development in relation to environment" as embodied in Agenda 21 of the United Nations Conference on Environment and Development. Without going into the evolution of this concept, it may be emphasized that the new international economic order should give additional weight to this factor. While deciding on the models of development, it is necessary to take into account the preservation of cultural identities of people living in different communities. This may not have an immediate economic value. But, in terms of "development", no specific model should be thrust on these communities. Long-term benefits of such a preservation of cultural identities should help in adapting new economic development models which in turn should lead to more meaningful and socially relevant models of development.

7. In addition to the above norms relating to the "preservation of environment, culture and models of development", the global community should take into account another important principle, namely, "the principle of the right of every State to benefit from science and technology". In recent times the areas relating to "technology transfer, industrial property, protection and

development and protection of frontier technologies such as computer, semiconductors, biotechnology, satellite broadcasting and so on", have been increasingly coming into the ambit of multilateral forums with a demand for more stringent regulations. Application of science and technology in the industrial sectors is more or less dominated by the private sector, the majority of them being multinational companies. The legal regimes which are emerging to regulate or to lay down broad principles for protecting these high technologies have shown the tendency to accommodate primarily the interests of developed countries. The reasons for this are obvious. At the same time, the question of preferential treatment to developing countries is also on the agenda. Despite this, trade-related aspects of goods and services in the GATT forum and the negotiation in its Uruguay Round have not resulted in many concessions to poor countries. Restructuring of these inequitable legal regimes to facilitate more accessible and environmentally viable technology transfer to poor countries calls for greater emphasis.

8. In the final analysis, there are two more crucial factors which call for greater consideration. The first is the "duty of all States to cooperate". International law has moved from the principle of coexistence to the principle of cooperation. The analytical study prepared by the United Nations Institute of Training and Research (UNITAR) (A/39/504/Add.1) on this aspect points out, "In contrast to abstention from interference that characterizes a scheme of coexistence, the cooperative scheme of law necessitates taking into account the actual situation of States and apportioning and adjusting their rights and obligations accordingly. Therefore, it needs more of an institutional infrastructure than mere self-regulatory mechanisms". It means that there is a general duty in international law to cooperate. Apart from that at the institutional level there are express obligations undertaken by the State. The consideration should move towards how effectively States find it obligatory to abide by this general principle of international law. Secondly, the utmost primacy of rule of law should be upheld while structuring the economic order. That, however, remains as one of the basic objectives of the new international economic order. The objectives of the new international economic order in the latter part of the 1970s were formulated against the backdrop of cold war. The legal principles, however, have remained unchanged in their substantive aspects even after the elimination of the cold war. The primacy of law in the application of any new order is deemed essential as it allows a just and equitable international society to emerge.

INTERNATIONAL LABOUR ORGANISATION

[Original: English]

[24 June 1993]

1. The International Labour Office considers this subject of great importance in the adaptation of the system of international law, and in particular of human rights and humanitarian law at the international level, to a changing world economic situation.

2. The focus for the interest of ILO in this subject is found in the fifth preambular paragraph of General Assembly resolution 46/52 of 9 December 1991 which reads:

> "Considering the close link that exists between the establishment of a just and equitable international economic order and the existence of an appropriate legal framework ...".

3. This principle reflects some of the fundamental principles of the ILO itself, and in particular the Declaration of Philadelphia, adopted in 1944 by the International Labour Conference and incorporated into the ILO Constitution. Particular attention is drawn to part II of the Declaration, reproducing the statement in the organization's original Constitution that "lasting peace can be established only if it is based on social justice".

4. It flows from this that the principles and norms of international law which relate to the new international economic order should be aimed at the attainment of social justice as their priority objective.

5. As is well known, the principal means of action of ILO since its inception in 1919 has been the formulation, adoption and implementation of international labour standards, particularly through its Conventions and Recommendations. These standards, adopted by the International Labour Conference, now make up an extensive body of international law, sometimes known as the International Labour Code, consisting at the end of 1992 of 173 Conventions and 180 Recommendations. The Conventions have attracted more than 5,600 ratifications - a very large acceptance by the international community of a complex body of common obligations and principles.

6. The objective of the standard-setting work of ILO has been the formulation of these rules of international law, and their acceptance and implementation by Governments, in cooperation and collaboration with their national organizations of employers and workers, the social partners which make up the ILO's constituents. Therefore, in examining the question of principles and norms of international law in this area, the working group established under General Assembly resolution 46/52 may wish to give preliminary consideration to whether it remains necessary to "develop" these principles and norms in all areas, and consider the extent to which the instruments adopted by the International Labour Conference do not already meet the need for establishing principles and norms in some areas at least, and in particular those concerning fundamental social policies. The ILO would of course be glad to discuss these issues with the working group at any time.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: French]

[23 April 1993]

The following UNESCO publications might prove to be useful for the consideration of the issue:

(1) Pour un nouvel ordre économique international, 1979, by Mohammed Bedjaoui, Judge of the International Court of Justice at The Hague. Despite its publication some time ago, this work remains timely because it raises and tries to resolve a number of questions that are still very much issues of the day.

Dealing with these various issues, the author in the first part of his work sketches an outline of the "international order of misfortune and the misfortune of the international order". In the second part, the author considers what would constitute "the international law of development and the development of international law";

(2) International Law: Achievements and Prospects, Mohammed Bedjaoui, general editor (UNESCO, 1991), 1,276 pages. This work is one of the most significant contributions UNESCO made to the United Nations Decade of International Law, and of particular relevance here are: (a) Chapter 28, "International law and development", by Mohammed Bennouna, pages 619-632, especially section I.2, "The movement in favour of a new international economic order", page 621; and (b) Part IV, title two, "Community-oriented rights", in its entirety, pages 1167-1244, especially chapter 53, "The right to development", by Mohammed Bedjaoui, pages 1177-1204, and chapter 56, "Future of international law", by Mohammed Bedjaoui and Hubert Thierry, pages 1233-1244.

WORLD HEALTH ORGANIZATION

[Original: English]

[13 April 1992]

Among the principles which should be given priority attention by the working group in charge of developing principles and norms of international law relating to the new international economic order, the World Health Organization would like to propose the following ones:

- The right to health is one of the fundamental human rights of every human being without distinction of race, religion, political belief, economic or social condition;

- There is an international responsibility to transfer basic health and other technology to the less developed countries so they have the capacity to meet the essential needs, aspirations and rights of their population. In this respect, it is important to recall that article 27.1 of the Universal Declaration of Human Rights states that

"Everyone has the right freely ... to share in scientific advancement and its benefits";

- The rights of the patient are part of the right to health and basic human rights of everyone;

- Health-related knowledge should become accessible to all people in a form that increases their self-reliance and capacity to remain healthy. In this respect, it is particularly important to enable vulnerable groups to acquire the economic and health skills and knowledge they need to improve their health status and quality of life;

- Health status must be given an equal place with other major criteria in assessing the quality of development strategies and concern for human health must take a central place in the search for the appropriate balance in development.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/269
29 July 1993

ORIGINAL: ENGLISH

Forty-eighth session
Item 144 of the provisional agenda*

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Secretary-General on the protection of the environment in times of armed conflict

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 3	2
II.	INFORMATION RECEIVED FROM THE INTERNATIONAL COMMITTEE OF THE RED CROSS	4 - 113	2
	A. Foreword	4 - 7	2
	B. Introduction	8 - 17	2
	C. Report on existing law	18 - 55	4
	D. Principal activities in recent years	56 - 64	11
	E. Work carried out under the auspices of the International Committee of the Red Cross	65 - 103	13
	F. The position of the International Committee of the Red Cross	104 - 108	19
	G. Conclusions	109 - 113	20
Annex.	Guidelines for military manuals and instructions on the protection of the environment in times of armed conflict		24

* A/48/150.

93-40165 (E) 050893

050893

I. INTRODUCTION

1. On 25 November 1992, the General Assembly adopted resolution 47/37 entitled "Protection of the environment in times of armed conflict". In paragraph 4 of the resolution, the General Assembly requested the Secretary-General to invite the International Committee of the Red Cross to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict and to submit a report to the General Assembly at its forty-eighth session, under the item entitled "United Nations Decade of International Law", on activities reported by the Committee.

2. Pursuant to that request, the Secretary-General, by a letter dated 18 January 1993, invited the International Committee of the Red Cross (ICRC) to transmit to him for inclusion in the report the information requested in operative paragraph 4 of General Assembly resolution 47/37.

3. The reply of ICRC is reproduced in section II below.

II. INFORMATION RECEIVED FROM THE INTERNATIONAL COMMITTEE OF THE RED CROSS

A. Foreword

4. The present report, submitted to the General Assembly at its forty-eighth session, follows on a report prepared by ICRC in 1992 and examined by the General Assembly at its forty-seventh session (A/47/328).

5. On that occasion, the General Assembly invited ICRC to pursue its work on the subject and to report to it at its forty-eighth session.

6. The present report supplements document A/47/328 by including a review of work of experts conducted under ICRC auspices over the past year. As a follow-up to a request made at the forty-seventh session of the General Assembly, it also contains a set of basic rules as "Guidelines for military manuals and instructions on the protection of the environment in times of armed conflict" (see annex).

7. For maximum clarity, ICRC has opted for an overall report on the issue. The present document therefore takes up - at times in a slightly summarized form - the main elements of document A/47/328, which may be considered as an interim report, superseded by the present report.

B. Introduction

8. In recent decades, many armed conflicts have involved a wide range of threats to the environment. These have included long-lasting chemical pollution on land; maritime and atmospheric pollution; despoliation of land by mines and other dangerous objects; and threats to water supplies and other necessities of life. The consequences have affected not only belligerents, but also civilians and neutral States; and they have sometimes continued long after the end of the

armed conflict. Such threats to the environment expose many difficult problems. Protection of the environment is of course only one of many considerations that must be borne in mind by those involved in armed conflicts, but it is an important one. The subject has come to be extensively discussed in national and international forums, including the United Nations.

9. On 9 December 1991, the General Assembly concluded its deliberations on the item entitled "Exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation", with the adoption of decision 46/417, which reads as follows:

> "The General Assembly
>
> "(a) Took note that the protection of the environment in times of armed conflict was to be addressed at the Twenty-sixth International Conference of the Red Cross and Red Crescent;
>
> "(b) Decided to request the Secretary-General to report to the General Assembly at its forty-seventh session on activities undertaken in the framework of the International Red Cross with regard to that issue;
>
> "(c) Also decided to include in the provisional agenda of its forty-seventh session the item entitled 'Protection of the environment in times of armed conflict'."

10. The international community has given ICRC a mandate "to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof". 1/ ICRC has declared itself ready to undertake work aimed at protecting the environment in wartime and has submitted the results of its work to the forty-seventh session of the General Assembly. That report (A/47/328), drawn up in response to the request contained in paragraph (b) of the decision quoted above, has been examined by the Sixth (Legal) Committee during the forty-seventh session under item 136 of the agenda.

11. There is no need to review in detail the debate which took place in the Sixth Committee, since records of its proceedings are available (see A/47/591 and A/C.6/47/SR.8, 9 and 19). Mention should be made, however, of some of the items which were examined more thoroughly, and of the main conclusions reached by the Committee.

12. Most of the States that took part in the debate (as well as ICRC) recognized the importance and relevance of existing rules and called for them to be implemented and respected.

13. Some States felt that the existing rules were sufficient and that what was needed was ensuring greater compliance with them. However, most of the States represented thought it also necessary to clarify and interpret the scope and content of some of those rules, and even to develop other aspects of the law relating to the protection of the environment in times of armed conflict.

14. These include the need for better protection of the environment as such; the need for stricter application of the principle of proportionality (and, to

this end, for a more precise definition of its scope in specific situations), the importance of defining more precisely the threshold of application of the rules; the need for a clear decision regarding the applicability in wartime of provisions of international environmental law; and the advisability of setting up a mechanism to sanction breaches thereof.

15. The suggestions aiming for a complete overhaul of existing law were not deemed opportune.

16. The debate led to the adoption of General Assembly resolution A/47/37, in which the Assembly called on States to accede to the treaties in force and apply their provisions, in particular by incorporating them in their military manuals. Furthermore, the resolution invited ICRC to continue its work on the question, to prepare a handbook of model guidelines for military manuals and to submit to the Assembly at its forty-eighth session a report to be examined under the agenda item devoted to the United Nations Decade of International Law.

17. The present report begins by recalling the main provisions of existing law (C). It then goes on to list the results of the principal activities carried out recently by various organizations (D) and under ICRC auspices (E). Section F describes the position of ICRC on issues relative to the protection of the environment in times of armed conflict, and section G presents some conclusions. As mentioned above, the annex contains "guidelines for military manuals and instructions on the protection of the environment in times of armed conflict".

C. Report on existing law

1. Background

18. Since its inception, international humanitarian law has set limits on the right of belligerents to cause suffering and injury to people and to wreak destruction on objects, including objects belonging to the environment. It has traditionally been concerned with limiting the use of certain kinds of weapons or means of warfare that continue to do damage even after a war is over, or that may injure people or property of States which are completely uninvolved in the conflict.

19. The Declaration of St. Petersburg of 1868 expressed this idea in the following terms:

> "the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy ...".

20. Restating article 22 of the Hague Regulations of 1907 (see paras. 26-30 below), article 35, paragraph 1, of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 1977 (see paras. 31-38 below), expresses this fundamental rule as follows:

> "In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited".

21. The concept of proportionality also sets important limits on warfare: the only acts of war permitted are those that are proportional to the lawful objective of a military operation and actually necessary to achieve that objective.

22. These fundamental rules are now part of customary international law, which is binding on the whole community of nations. They are also applicable to the protection of the environment against acts of warfare.

23. The rules of international humanitarian law have been drawn up to address the specific problems caused by warfare. As such, they are applicable as soon as an armed conflict breaks out.

24. In addition to the rules of law pertaining to warfare, general (peacetime) provisions on the protection of the environment may continue to be applicable. This holds true in particular for the relations between a belligerent State and third States.

25. The following paragraphs review the major international legal rules which are relevant to the protection of the environment in times of armed conflict.

2. International rules concerning the protection of property

26. In common with the rest of international law, international humanitarian law has been slow in recognizing that the environment requires protection by a set of rules of law specific to it. Thus, the word "environment" does not appear in the Hague Regulations or in the 1949 Geneva Conventions, and none of those treaties addresses specific environmental issues. However, article 23, paragraph 1 (g), of the Hague Regulations 2/ states that it is forbidden "to destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war".

27. The destruction of property in times of armed conflict is also restricted by customary international law. The Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal, which were unanimously affirmed by the United Nations General Assembly, have codified this customary law. 3/ The sixth of these Principles lists crimes that are punishable as crimes under international law, divided into three categories: crimes against peace, war crimes and crimes against humanity. At the end of the list of war crimes in paragraph (b) appears "wanton destruction of cities, towns or villages, or devastation not justified by military necessity". In its comments the International Law Commission noted that the Nuremberg Tribunal had pointed out that the war crimes defined by article 6 (b) of its Charter were already recognized as war crimes under international law. This was because the resolutions annexed to the Hague Convention IV of 1907, particularly article 23, paragraph 1 (g), thereof which prohibits destruction which is not "imperatively demanded by the necessities of war", had in 1939 acquired the status of customary rules of international law.

28. In the event of military occupation, article 55 of the Hague Regulations and article 53 of the Fourth Geneva Convention set limits to the discretion of

the Occupying Power, as far as the destruction of property is concerned. The latter rule is worth quoting:

> "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

29. A Party to a conflict that destroys, for example, property protected by the Fourth Geneva Convention and in so doing causes damage to the environment violates that Convention, if such destruction is not rendered "absolutely" necessary by military operations. If such destruction is "extensive", the act becomes a grave breach of that same Convention (art. 147), that is, a war crime.

30. The rules discussed in this section do not relate to environmental issues explicitly, but they do protect the environment by prohibiting the wanton or unjustified destruction of property.

3. International rules concerning the protection of the environment as such

31. Protocol I includes two provisions which deal directly with the dangers that modern warfare represents for the environment. They protect the environment as such, although they do so in relation to human beings, who are the principal concern of international humanitarian law. Those rules are article 35, paragraph 3 and article 55:

> Article 35 - Basic rules
>
> "3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment."
>
> Article 55 - Protection of the natural environment
>
> "1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population."
>
> "2. Attacks against the natural environment by way of reprisals are prohibited."

32. Article 35 sets out the general rule applicable to all acts of warfare, whereas article 55 is intended to protect the civilian population from the effects of warfare on the environment. In both cases, the following are prohibited: (a) attacks on the environment as such; and (b) using the environment as an instrument of warfare.

33. Article 35, paragraph 3, and article 55 prohibit only such damage to the environment as is "widespread, long-term and severe", thereby making it clear that not all damage to the environment is outlawed. Indeed, damage to the environment is unavoidable in war. The point at issue, therefore, is where to set the threshold.

34. The question as to what constitutes "widespread, long-term and severe" damage and what is acceptable damage to the environment is open to interpretation. There are substantial grounds, including from the travaux préparatoires of Protocol I, for interpreting "long-term" to refer to decades rather than months. On the other hand, it is not easy to know in advance exactly what the scope and duration of some environmentally damaging acts will be; and there is a need to limit as far as possible environmental damage even in cases where it is not certain to meet a strict interpretation of the criteria of "widespread, long-term and severe". Because Protocol I, as at present interpreted, does not necessarily cover all cases of damage to the environment and because not all States are party to it, the earlier conventional and customary rules, especially those of The Hague (1907) and Geneva (1949), continue to be very important.

35. Besides article 35, paragraph 3, and article 55, other provisions of Protocol I touch incidentally on protection of the environment in armed conflict. In particular, article 56 deals with the danger to the environment resulting from the destruction of dams, dykes or nuclear electrical generating stations. Under the heading "Protection of objects indispensable to the survival of the civilian population", article 54 prohibits in certain circumstances the destruction of, among other things, agricultural areas or irrigation works. Articles 52 ("General protection of civilian objects") and 57 ("Precautions in attack") also have an important bearing on the protection of the environment.

36. Finally, Article 36 obliges the parties to Protocol I to determine whether the acquisition, development or use of a new weapon would be compatible with international law. Of course, the rules on the protection of the environment are to be taken into account during this assessment.

37. In conclusion, the provisions of Protocol I usefully supplement earlier principles and rules of international humanitarian law, and contain some important rules prohibiting a wide range of acts destructive of the environment in times of armed conflict.

38. As at 16 June 1993, 125 States are party to Protocol I. Its provisions on environmental protection are therefore binding international law for the majority of States, but not yet for all of them.

4. Other international rules

39. A number of other international instruments have a direct bearing on the protection of the environment in times of armed conflict. Without going into detail, the following treaties should be mentioned:

(a) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, of 17 June 1925;

(b) Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, of 10 April 1972 (General Assembly resolution 2826 (XXVI));

(c) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, of 13 January 1993. This Convention should play a most important role, considering the fact that some chemical weapons may have very long-lasting, widespread and severe effects;

(d) Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954;

(e) Convention concerning the Protection of the World Cultural and Natural Heritage, of 23 November 1972;

(f) Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD Convention), of 10 December 1976 (General Assembly resolution 31/72). The last-mentioned Convention, which was drafted under the auspices of the Committee on Disarmament, is intended to prohibit military or any other hostile use of "environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party" (art. 1). The Convention is thus primarily concerned with prohibiting the use of the forces of the environment as weapons. In so doing, of course, it inevitably outlaws damage to the environment resulting from the use of such methods of warfare;

(g) Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, of 10 October 1980. This Convention was concluded under United Nations auspices and is intended, as its name implies, to prohibit or restrict the use of certain weapons. To date, it has three annexed protocols dealing with (a) non-detectable fragments, (b) mines, booby-traps and other devices, and (c) incendiary weapons. The second and third of these should make a useful contribution to protecting the environment in times of armed conflict.

40. Furthermore, all other international rules limiting the development, production, testing or use of weapons of mass destruction make a significant contribution to the protection of the environment in times of armed conflict.

5. The special case of non-international armed conflict

41. The rules protecting the victims of non-international armed conflict are less well developed than those governing international armed conflict.

42. Article 3, common to the four Geneva Conventions of 1949 does not say anything about protecting the environment during civil wars; it addresses only humanitarian issues in the strictest sense.

43. The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of 1977, contains no provisions relating explicitly to the environment. However, article 14, on the protection of objects indispensable to the survival of the civilian population, has a direct impact on warfare and the environment, with its prohibition of attacks on agricultural areas, irrigation works, and so on.

44. The same applies to article 15, which protects "works and installations containing dangerous forces". These two provisions are applicable in the event of non-international armed conflict, their scope and content being very similar to those of articles 52, 54 and 56 of Protocol I, applicable in international armed conflicts. Other legal provisions regarding the environment, for example, rules of general or bilateral international treaties, remain applicable in principle to a State in which there is an internal conflict.

6. The question of implementation

45. The treaties of international humanitarian law provide various mechanisms - some of them very complex - for implementing their substantive provisions. Among these mechanisms it is worth mentioning the following: (a) the international responsibility of States; (b) the principle of individual criminal responsibility; (c) the obligation of States to ensure that the provisions of the Geneva Conventions and their Additional Protocols are known as widely as possible; (d) the system of Protecting Powers; (e) the International Fact-Finding Commission; (f) specific functions assigned to ICRC to interpret and monitor the implementation of international humanitarian law.

46. In addition, other international - including regional - institutions and treaties bearing on environmental issues have their own monitoring and implementation mechanisms, which may be important in dealing with a wide range of cases of environmental damage in times of armed conflict, although for the moment their mandates do not clearly extend beyond peacetime situations.

(a) The international responsibility of States

47. Article 1, common to the four Geneva Conventions and to Protocol I, stipulates that the contracting States are under an obligation "to respect and to ensure respect for" those instruments. Beyond that, and on a more general level, a State is responsible for every act or omission attributable to it and amounting to a breach of an international obligation incumbent on it, including in the field of the international protection of the environment. States affected by such a breach are entitled to insist on the implementation of such rules of State responsibility, including cessation of the unlawful conduct, restitution and reparation.

(b) Individual criminal responsibility

48. The principle of the individual criminal responsibility of the perpetrator of certain breaches of international law, including those bearing on the environment in times of armed conflict, as well as of the person ordering the

commission of such acts, is of critical importance. It is firmly rooted in both customary and treaty law, such as the Regulations annexed to the Hague Convention IV of 1907 and the provisions of the Geneva Conventions relating to grave breaches.

49. Under international law, States have a clear duty to bring to justice all persons suspected of having committed or ordered the commission of such acts. Moreover, trials have been conducted (Nuremberg and Tokyo) or are planned to take place (for the former Yugoslavia, under Security Council resolutions 808 of 22 February 1993 and 827 of 25 May 1993) on the international level.

50. Additionally, the International Law Commission is working on a draft treaty for the establishment of a permanent international criminal jurisdiction, which may be called upon, inter alia, to ensure respect for rules of international law bearing on the protection of the environment in times of armed conflict.

(c) Obligation to spread knowledge of international humanitarian law

51. Each State Party to the Geneva Conventions or to their Additional Protocols must ensure that the text of these treaties is disseminated as widely as possible throughout its territory in both peacetime and wartime. The States must, inter alia, incorporate study of the subject into their programmes of military and, if possible, civilian instruction.

(d) The system of Protecting Powers

52. Under the Geneva Conventions of 1949 and their Additional Protocol I of 1977, the role of Protecting Powers is to attend to the implementation of the provisions of those treaties and to safeguard the interests of the Parties to a conflict and of their nationals on enemy territory.

(e) International Fact-Finding Commission (Protocol I, article 90)

53. This Commission has the mandate, in the event of an alleged violation of international humanitarian law during an international armed conflict, to ascertain the facts and to offer its services to the Parties concerned with a view to preventing further violations. Obviously, the Commission could render invaluable service should there be violations causing damage to the environment in times of armed conflict. The Commission's permanent competence depends on a special declaration of acceptance (art. 90, para. 2). Thirty-four States have now made that declaration, and the Commission was constituted in June 1991. States that have not made such a declaration may also make use of the services of the Commission on an ad hoc basis.

(f) Role of the International Committee of the Red Cross and other interested organizations

54. ICRC is a neutral and independent humanitarian institution, the main mission of which is to provide assistance and protection to the victims of armed conflict. The international community has given it a number of mandates that are precisely defined in the Geneva Conventions. The institution may find itself acting as a substitute for Protecting Powers. It also has a recognized right of initiative. In addition, ICRC can also count on the support of the

National Red Cross and Red Crescent Societies and of their Federation. Its role in monitoring the implementation of international humanitarian law may indeed include aspects related to the protection of the environment.

55. Other international or non-governmental organizations involved in emergency work during armed conflict may also help prevent damage or take remedial action.

D. Principal activities in recent years

56. Much important work was undertaken in the early 1970s in connection with protecting the environment in times of armed conflict. This process led to the adoption of the main international rules governing this area, in particular the ENMOD Convention, article 35, paragraph 3, and article 55 of Additional Protocol I of 1977, and certain provisions of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. In subsequent years, there was little discussion on the protection of the environment in times of armed conflict, although certain conflicts had caused serious environmental damage, due in particular to the large-scale and indiscriminate use of mines, the bombing and shelling of whole areas and attacks on oil-producing installations, resulting in severe pollution.

57. The need to protect the environment in times of armed conflict was brought home to the world suddenly and tragically during the Gulf conflict in 1990-1991. In the months that followed the conflict, a number of meetings and symposia were held to discuss the question whether existing law offers an adequate response to environmental disasters. 4/

58. This is not the place for a detailed discussion of those meetings (on which reports have in most cases been published). It is nevertheless necessary to recall briefly the principal questions they addressed and their main conclusions. At these meetings, generally speaking, the idea of creating an entirely new body of international rules for the protection of the environment was rejected. Most experts insisted on the importance of existing law (see sect. I) while acknowledging that there are a number of gaps in the rules currently applicable. The first step, therefore, is to ensure that even more States observe their existing obligations, that they accede to or ratify existing treaties and, at the same time, enact coordinate domestic legislation, including rules in their military manuals.

59. The content of this body of law has been discussed on many occasions. These discussions showed that protection of the environment in times of armed conflict is not provided for only by specific rules on this subject (see sect. I), but that other international rules also make a contribution to that end, for example, certain fundamental principles of humanitarian law, whether treaty-based or customary, the rules of international environmental law and certain rules governing international responsibility.

60. Close attention was also paid to the implementation of existing law. Emphasis was laid on a number of means of encouraging proper implementation. Particular mention was made of dissemination, that is, measures to make the law as widely known as possible, and the very useful role that could be played by

the International Fact-Finding Commission, constituted under article 90 of Protocol I of 1977.

61. It was felt that, while a new body of codified law on the subject would not be justified, there was nevertheless a need to develop or clarify existing law to deal with certain issues, such as:

(a) Interpretation of the specific provisions of the ENMOD Convention and Protocol I;

(b) The simultaneous applicability of the rules of international environmental law and humanitarian law;

(c) Determining what body of law is applicable between a belligerent and States which are not party to the conflict, but are nevertheless affected by means of warfare harmful to the environment;

(d) The need to do more to protect the environment as such and to find better ways of preventing damage to the environment in times of armed conflict.

As mentioned in the introduction to the present report, the United Nations General Assembly also addressed these questions at its forty-sixth and forty-seventh sessions.

62. A fundamental shift in focus on international cooperation for socio-economic development and environmental protection was recorded at the United Nations Conference on Environment and Development, at which 178 States convened at Rio de Janeiro in 1992. The Conference established the prime United Nations objective of "sustainable development". The Declaration of Rio de Janeiro 5/ contained three articles on armed conflict, and the Action Plan, entitled "Agenda 21", 6/ made explicit reference to armed conflict in paragraph 39.6. Both these documents were subsequently endorsed by the General Assembly at its forty-seventh session (General Assembly resolution 47/190 of 22 December 1992).

63. Among them, one should mention Principle 24 of the Rio Declaration, 5/ which reads:

> "Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary."

and paragraph 39.6 of Agenda 21, 6/ which reads:

> "Measures in accordance with international law should be considered to address, in times of armed conflict, large-scale destruction of the environment that cannot be justified under international law. The General Assembly and its Sixth Committee are the appropriate forums to deal with this subject. The specific competence and role of the International Committee of the Red Cross should be taken into account."

64. Protection of the environment in times of armed conflict was also discussed at the Second Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, held at Geneva in September 1992. 7/ On that occasion, the Convention's field of application - and especially the type of environmental modification techniques which should be prohibited - was discussed at length, but the participants did not reach a unanimous conclusion. The question might be submitted to the Consultative Committee of Experts which could be convened at the request of one or more States Parties under article 5 of the ENMOD Convention.

E. Work carried out under the auspices of the International Committee of the Red Cross

65. To discharge the mandate assigned to it by the General Assembly in decision 46/417 and by resolution 47/37, ICRC convened three meetings of experts to study the problem of protecting the environment in times of armed conflict. The first meeting, which was held at Geneva from 27 to 29 April 1992, brought together over 30 experts from the armed forces, the scientific community, academic circles and Governments as well as representatives of international governmental and non-governmental organizations. All were invited in their personal capacity.

66. The second and third meetings, which were held at Geneva in January and June 1993, respectively, brought together the same group of experts and several other participants, thereby ensuring broader geographical representation.

67. The goals of the meetings were as follows:

(a) To define the content of existing law;

(b) To identify the main problems involved in implementing this law;

(c) To identify any gaps in existing law;

(d) To determine what should now be done in this area;

(e) To draft model guidelines for military manuals.

68. Reports presented by several experts sparked an initial general debate, during which was examined, inter alia, the question of whether or not the rules of international environmental law were applicable in times of armed conflict. Most participants concluded that these rules could be presumed to be applicable at least to a certain extent, in so far as they do not contain specific disclaimers, but that further research on this question was necessary.

69. The importance and relevance of the currently applicable rules (whether of treaty-based or customary international humanitarian law, international environmental law, or rules governing international responsibility) were clearly reaffirmed, as was the need to make these rules more widely known, in particular by means of guidelines expressly drawn up for members of the armed forces.

70. The need to clarify certain aspects of applicable law and to look for ways of protecting the environment in times of non-international armed conflict was recognized.

71. Finally, there was large support for the proposal made by some experts to protect - subject to conditions that remain to be set - nature reserves, which could be likened to demilitarized zones or other protected areas. The United Nations list of parks and equivalent reserves and the biosphere reserves designated by the United Nations Educational, Scientific and Cultural Organization (UNESCO) provide available references for identifying such nature reserves on maps for reference with military manuals. Priorities might be selected from these lists.

72. During these meetings a list of the most important matters to be discussed was drawn up. The following is a summary of the discussions on the specific issues listed.

1. The notion of the global interest of the international community for the protection of the environment in the provisions of international humanitarian law

73. There is a general interest - going well beyond that of the parties to the conflict themselves - in preserving the environment. Even in times of armed conflict, this general interest should be taken into account by the belligerents when selecting methods and means of warfare.

2. Balance between protection of the environment and military necessity (including the principle of proportionality): need for specific provisions or clarifications

74. It is necessary to underline the need to take environmental protection into account when assessing the military advantages to be expected from an operation. The accepted principles concerning the conduct of hostilities are important and relevant with regard to environmental protection. These include:

(a) The prohibition of acts causing damage that is not warranted by military necessity;

(b) The obligation, when possible, to choose the least harmful means of reaching a military objective;

(c) The obligation to respect proportionality between the expected military advantage and the incidental damage to the environment.

3. Rules of customary international law

75. Customary rules are of great importance. Indeed, some experts even felt that these rules were the key to protecting the environment in times of armed conflict, in particular as they prohibited attack on the environment as such.

4. Relationship between international humanitarian law and international environmental law (regional and universal regulations); similarity to the relationship between international humanitarian law and human rights law

(a) Between a State not a party to the conflict and belligerents

(b) Between belligerents

76. The relationship between international environmental law and humanitarian law should be studied in greater depth. In principle the instruments of international environmental law remain applicable in times of armed conflict, although the question of their legal applicability had either not been contemplated or had been avoided in the treaties themselves. There is a need for a study of environmental agreements in general, bearing in mind their applicability in times of armed conflict. Whenever feasible, any new treaty adopted in this area should contain a provision specifically stipulating that it is applicable in times of armed conflict. In addition, new instruments should clearly reaffirm that the duties of States party to an international armed conflict to third States and relating to the protection of the environment are, as a matter of principle, not affected by the existence of an armed conflict.

5. Role of the Martens clause in the protection of the environment

77. The Martens clause 8/ states that in cases not covered by specific provisions, civilians and combatants remain under the protection and authority of the principles of international law derived from established customs, from the principles of humanity and from the dictates of public conscience. Its validity in the context of the protection of the environment in times of armed conflict is indisputable.

6. Interpretation of and relationship between the rules of Protocol I and the ENMOD Convention

78. The respective raisons d'être of the provisions of Protocol I and of the 1976 ENMOD Convention are different. The need to interpret more clearly the terms employed in these two treaties might be included on the agenda of the Consultative Committee of Experts under ENMOD, which might be convened by 1995.

7. Acceptability of self-inflicted damage to the environment; scorched earth policy and use of the environment by States for their own protection and on their own territory

79. A distinction should be made between environmental destruction by belligerents on enemy territory, as opposed to environmental destruction on their own territory. Self-inflicted damage would occur mainly on a State's own territory. Although the basic rule in such cases is the full sovereignty of the State over its territory, it was noted that this rule is undergoing gradual erosion.

80. Generally speaking, damage to the environment inflicted outside a State's own territory is covered by existing international environmental law and humanitarian law and the present trend towards regulating the protection of the civilian population in enemy territory should be extended to the protection of the environment as such. On the other hand, the question of damage caused by a State on its own territory is more problematical. The answer to it should be found in the law applicable in peacetime, which imposes particular obligations on States to protect their own environment.

8. Protection of the environment in naval warfare

81. Three main questions have to be addressed: (a) the degree to which customary rules of the law of the sea and the 1982 Convention on the Law of the Sea, in particular its provisions on the preservation and protection of the marine environment, should apply in times of armed conflict; (b) the applicability in times of armed conflict of current international legislation for the preservation and protection of the marine environment, especially the conventions adopted by regional organizations or under the auspices of the International Maritime Organization; (c) the applicability to naval warfare of general treaties of international humanitarian law, particularly Protocol I of 1977.

82. It is necessary to continue studies under way in the law of naval warfare and to clarify the content and scope of the customary and conventional law of the sea, especially the 1982 Convention on the Law of the Sea. This would make for greater protection of the environment since it is recognized that, while the 1982 Convention is nearing entry into force, many of its rules are already considered to be of customary nature and have been incorporated into several military manuals.

83. The organizations that have sponsored treaties for the preservation and protection of the marine environment should be requested to examine the applicability of such treaties in times of armed conflict.

84. The general principles of international humanitarian law, in particular those of proportionality and distinction, are applicable to naval warfare. In addition, certain provisions of general treaties of international humanitarian law should apply to naval warfare, notably some of those of Protocol I of 1977, but present texts may be inadequate in the context of naval warfare and could or should be adapted to the marine environment. This might be the case, for instance, of articles 52 ("General protection of civilian objects") and 55 ("Protection of the natural environment") of Protocol I of 1977. Article 56 on the protection of works and installations containing dangerous forces could play (in particular its paragraph 6, providing for the conclusion of further agreements) an important role in the protection of the marine environment. The possible addition of oil rigs and pipelines to the list of works and installations containing dangerous forces might be in particular studied in the context of naval warfare.

85. Furthermore, any action against civilian nuclear-powered vessels and ships carrying oil, liquid gas or other dangerous substances should be carried out taking into account the above-mentioned principle. The possibility to declare

marine areas of recognizable environmental importance non-targets could be envisaged.

9. When should damage to the environment be qualified as a "grave breach"? State responsibility and compensation

86. Any violation of either treaty-based or customary rules attributable to a State would create an obligation on the part of the offending State towards the State or States whose environment suffered damage.

87. According to article 3 of the Hague Convention IV of 1907 and to article 91 of Protocol I of 1977, a State violating an international obligation may be liable to pay compensation.

88. Some violations of article 53 of the Fourth Geneva Convention of 1949 are listed as grave breaches in article 147 of that Convention and thus constitute war crimes, as is violation of article 23 of the Hague Convention IV.

89. Some experts felt that the violations of articles 35 and 55 of Protocol I of 1977 should be made as grave breaches.

90. The importance and relevance of the current work of the International Law Commission has to be underlined, in particular, article 19 of the draft articles on State responsibility prepared by the Commission.

10. Applicability of the precautionary principle to the protection of the environment in times of armed conflict

91. This principle is an emerging, but generally recognized principle of international law. The object of the precautionary principle is to anticipate and prevent damage to the environment and to ensure that, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason to postpone any measures to prevent such damage.

92. This principle appears mainly in recent treaties and other instruments designed for peacetime. Its possible applicability in armed conflict needs further study even if the precautionary principle is indeed already partially present in international humanitarian law treaties, in particular in article 36 of Protocol I, which governs the development of new weapons.

93. Despite the existence of the precautionary principle and of article 36 of Protocol I, it is felt that environmental concerns had been largely ignored during the negotiation of most recent arms control treaties and that the latter had failed to prevent the development of new weapons.

94. Some experts were thus of the opinion that article 36 of Protocol I of 1977 was inadequate to ensure control of the development of new weapons, and that additional control mechanisms should be proposed. One expert suggested that an international body therefore should be established.

11. Protection of the environment in times of non-international armed conflict: content and scope of applicable law; difference with the provisions applicable in international armed conflict

95. Although neither article 3 common to the 1949 Geneva Conventions nor Protocol II of 1977 established a specific protection for the environment in times of non-international armed conflict, the environment is none the less protected by general rules of international humanitarian law (see paras. 18-25 above). Among them, it is worth mentioning articles 14 and 15 of Protocol II of 1977, and provisions of the World Heritage Convention of 1972. The latter, applicable in all armed conflicts, could play an important role; greater efforts should therefore be made to ensure its full implementation.

96. In addition to these rules of humanitarian law, most peacetime obligations resulting from universal or regional treaties remain applicable in times of non-international armed conflict.

97. In some cases, environmental treaties have indeed been applied and respected during non-international armed conflicts.

98. In several countries it has been decided to instruct soldiers to apply the same rules, regardless of whether the conflict was international or non-international. This practice, which makes up for the absence of specific provisions applicable in non-international conflict and corresponds to the Martens clause (see para. 74 above), should be more widely applied.

12. Means to ameliorate the protection of cultural and natural heritage sites in times of armed conflict

99. This topic was recently discussed by a Meeting on Protection of Cultural and Natural Heritage Sites (see paras. 53-71 above). The objectives of the meeting were to make existing treaties 9/ more effective at the practical level and to encourage greater participation in these instruments, under which lists should be drawn up and deposited with the United Nations or UNESCO.

100. A number of practical measures were recommended, including the preparation of detailed maps of protected areas, the elaboration of material for the dissemination of the relevant treaties, and the drafting of guidelines for military manuals.

101. The renewed interest in this field shown by UNESCO was also mentioned. It was hoped that this would enhance the level of participation and improve the implementation of the treaties.

102. The experts took note with interest of those new developments. The importance of establishing strict procedures for the designation of protected sites in the sea as well as on land was emphasized, as was the fact that a protected area should be free of weapons.

103. At the end of their work, the experts encouraged ICRC to pursue its work to clarify and, where necessary, develop the rules aiming to protect the natural environment in times of armed conflict.

F. The position of the International Committee of the Red Cross

104. ICRC agrees to a great extent with the conclusions reached in the various meetings of experts organized in recent years and in particular in the three meetings organized under its auspices. It has reservations about proposals for a new process of codification of the rules protecting the environment in times of armed conflict. For one thing, ICRC feels that the result would be of dubious value and could even be counter-productive. Moreover, the institution believes that, if several aspects of the existing law were elaborated on and if the law were more fully implemented, it would provide adequate protection of the environment in times of armed conflict.

105. ICRC therefore wishes to see a special effort made to increase compliance with existing rules and to improve their implementation. This naturally requires the greatest possible number of States to become party to international humanitarian law treaties and to use the specific means of implementation provided for by these instruments and by other treaties and resolutions.

106. Though it is convinced that faithful implementation of existing law should go a very long way to limiting environmental damage in times of armed conflict, ICRC is quite aware that this law is in need of interpretation, clarification and development. The meaning of certain terms should be agreed on, and a number of specific issues (such as the applicability in times of conflict of rules of international environmental law essentially intended for peacetime and the content of the law applicable to non-international armed conflicts) should be studied more closely.

107. ICRC is also very much in favour of proposals to do more to protect nature reserves in times of armed conflict. Likewise, it feels that careful attention should be paid to the problem of environmental damage caused by the indiscriminate and unrecorded laying of mines. This question should be examined in the review process of the 1980 Convention on conventional weapons.

108. Finally, the use on the battlefield of certain weapons represents, in the view of ICRC, a growing risk to the environment. The law of armed conflict must therefore take technical developments into account and contain their effects. It should be stated very plainly that many methods and means of warfare available today will, if used, inevitably cause serious harm to the environment. Though means should obviously be found to provide a degree of protection for the environment, this should in no way be allowed to relieve those concerned of their duty to settle disputes peacefully, a course which was already advocated by the 1899 Hague Convention on the Peaceful Settlement of Disputes.

G. Conclusions

109. Recent deliberations have clearly demonstrated the need to continue to seek ways of protecting the natural environment in times of armed conflict, and have identified a number of important problems to which realistic and effective solutions must quickly be found and on which specific follow-up action may be taken.

110. The following questions could be examined by the Sixth (Legal) Committee:

(a) Relationship between the ENMOD Convention and the Additional Protocol I of 1977, in particular, definition of the terms "widespread, long-lasting/long-term and severe". These terms call for interpretation and clarification. The Consultative Committee of Experts provided for in article 5 of the ENMOD Convention should examine this question;

(b) Applicability in armed conflict of international environmental law; general clarification and action in case of revision of the treaties. Further study is needed on this matter, and should take into account customary law, international environmental agreements, including the Convention on the Law of the Sea, and regional instruments. It could be carried out by a specialized organization such as the International Council of the Environment, if it were given the necessary resources, and should be based on a review of the most important environmental treaties. The various bodies in charge of the treaties concerned could also play a role, especially with respect to review procedures;

(c) Protection of the environment and restriction on the use of mines; action to be taken during the Conference for reviewing the 1980 Convention. First of all, States should become party to the 1980 Convention. The forthcoming Conference for reviewing the 1980 Convention on conventional weapons should take in due account of the damage to the environment caused by the use of conventional weapons such as mines and incendiary weapons, as well as new weapons. Attention should also be drawn to the obligation to determine the legality of the use of any new weapon. 10/ Existing principles and customary rules should be strictly observed;

(d) Protection of cultural sites and nature reserves and parks. The first step in ensuring protection of natural and cultural sites might be to draw up maps identifying them. IUCN and UNESCO could undertake this task. The guidelines laid down in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which established a mechanism for the definition and the registration of sites, could be followed. It might also be necessary to develop existing law in order to afford better protection to sites which are already specifically protected;

(e) Protection of the environment in times of non-international armed conflict; possible application of the rules applicable in times of international armed conflict. This matter requires close attention as the environment must be protected in non-international armed conflicts also. Two observations seem to be especially relevant:

(i) It is difficult to contemplate that acts prohibited in international armed conflicts might be permitted in non-international armed conflicts;

(ii) In some cases, global environmental considerations should prevail over a State's sovereignty;

(f) Means of implementing provisions on the protection of the environment in times of armed conflict; possible role of the International Fact-Finding Commission provided for in article 90 of Protocol I of 1977. The newly established Fact-Finding Commission should play a role in matters relating to the environment, and when necessary call on the service of experts in the matter. Other institutions (including Protecting Powers or ICRC) responsible for the implementation of international humanitarian law should take due account of the provisions on the protection of the environment. Relevant questions should also be inserted in the questionnaires which are part of the reporting systems under various environmental law instruments;

(g) Dissemination of provisions protecting the environment in times of armed conflict. Environmental aspects must be taken into account when disseminating the rules of international law relating to armed conflicts and vice versa. Under international humanitarian law, dissemination of these provisions is an obligation. This is not the case with respect to international environmental law, but it should be encouraged. The importance of public awareness of the existence of the relevant provisions should be stressed. The need to teach those provisions to soldiers and others directly involved in armed conflict should also be emphasized;

(h) Procedure for drafting Guidelines for military manuals and instructions (see annex below). The Guidelines which are submitted herewith have been drawn up in consultation with experts, with two main objectives in view:

(i) To harmonize the Guidelines with the above list of suggested follow-up measures;

(ii) To help Governments to formulate their own national texts.

Future work of the International Committee of the Red Cross

111. ICRC is of the opinion that work in this area must continue. It is determined to fulfil its mandate to work for the understanding and the dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof.

112. It is thus prepared to continue to contribute actively to the search for appropriate means of protecting the environment in times of armed conflict, by proposing solutions to current problems in this area.

113. ICRC is in particular ready to take three measures which should have a positive impact on the protection of the environment in times of armed conflict:

(a) Organization of meetings of experts, as it did in 1974 and 1976, to prepare the review conference of the 1980 Convention on conventional weapons;

(b) Extension of its dialogue with military and legal circles so as to examine in depth the practical problems encountered in armed conflicts in implementing the rules governing the conduct of hostilities, including those relevant to the protection of the environment, and thus to clarify the meaning of those rules;

(c) Further cooperation in the drafting of rules on the protection of the environment in times of armed conflict for inclusion in military manuals, on the basis of the guidelines.

Notes

1/ See article 5, paragraph 2 (g), of the Statutes of the International Red Cross and Red Crescent Movement.

2/ See Hague Convention IV respecting the Laws and Customs of War on Land, of 18 October 1907, with the Regulations annexed thereto. Hague Conventions V and XIII, of 18 October 1907, on the rights and duties of Neutral Powers also contain relevant provisions.

3/ For the text of the Principles, see Official Records of the General Assembly, Fifth Session, Supplement No. 12 (A/1316), part III. By General Assembly resolution 177 (II) of 21 November 1947, the International Law Commission was directed to formulate the Principles; under resolution 488 (V) of 12 December 1950, Member States were invited to furnish their observations on the Principles.

4/ In particular, the "Conference on a 'Fifth Geneva Convention' on Protection of the Environment in Times of Armed Conflict" organized in June 1991 by the London School of Economics, Greenpeace International and the Centre for Defence Studies; the "Conference of Experts on the Use of the Environment as a Tool of Conventional Warfare", organized by the Canadian Government and held at Ottawa in July 1991; the "Consultations on the Law concerning the Protection of the Environment in Times of Armed Conflicts", convened by the International Union for Conservation of Nature and Natural Resources (now IUCN-World Conservation Union) Commission on Environmental Law and the International Council of Environmental Law, held at Munich in December 1991; the workshop on "Protected areas, war and civil strife" at the IV World Congress on Natural Parks and Protected Areas, held at Caracas in 1992; the "Senior Legal Experts Meeting on Protection of Natural and Cultural Heritage Sites in Times of Armed Conflict", organized by the International Council of Environmental Law, the IUCN-Commission on Environmental Law and the World Travel and Tourism Council, held at Amsterdam in December 1992; and the "Informal brainstorming session on the ENMOD Convention", organized by Canada and Switzerland and held at Geneva in January 1993.

5/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol.I (A/CONF.151/126/Rev.1 (vol. I)), annex I.

6/ Ibid., annex II.

7/ See the Final Document of the Second Review Conference (ENMOD/CONF.II/11), of 17 September 1991.

8/ See Preamble of the Hague Convention IV of 1907, article 1 of Protocol I of 1977 and Preamble of Protocol II of 1977.

9/ See, in particular, the 1954 Convention on Cultural Property, the 1971 Ramsar Convention on Wetlands of International Importance and the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage.

10/ See article 36 ("New weapons") of Protocol I of 1977.

ANNEX

Guidelines for military manuals and instructions on the protection of the environment in times of armed conflict

I. PRELIMINARY REMARKS

1. The present guidelines are drawn from existing international legal provisions and from State practice. They have been compiled to further the interest of the armed forces in the protection of the environment and to ensure strict adherence to and effective implementation of the international provisions relating to the protection of the environment against the effects of military operations.

2. Domestic legislation and other measures taken at the national level are essential means of ensuring that the international law protecting the environment are indeed put into practice.

3. To the extent that the guidelines are the expression of international customary law or of treaty law binding a particular State, they must be included in military manuals and instructions. Otherwise, the guidelines are suggested for inclusion in such documents as reflecting national policy.

II. SOURCES OF INTERNATIONAL OBLIGATIONS CONCERNING THE PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT

A. General principles of international law and rules of customary law

B. Main international treaties

(Hague) Convention (IV) respecting the Laws and Customs of War on Land, of 1907, and the Regulations respecting the Laws and Customs of War on Land.

(Hague) Convention (VIII) Relative to the Laying of Automatic Submarine Contact Mines, of 1907.

Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949.

(Hague) Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 1954.

Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques, of 1976 (ENMOD).

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 1977.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of 1977.

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, of 1980, the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons.

III. GENERAL PRINCIPLES OF INTERNATIONAL LAW

4. In addition to the specific rules set out below, the general principles of international law applicable in armed conflict - such as the principle of distinction and the principle of proportionality - apply to the protection of the environment. In particular, only military objectives may be attacked and no methods or means of warfare shall be employed which cause excessive damage. Precautions shall be taken in military operations as required by international law (see arts. 35, 48, 52 and 57 of Protocol I of 1977).

5. International environmental agreements and relevant rules of customary law should continue to be applicable between the parties to the armed conflict, unless stipulated otherwise. Obligations relating to the protection of the environment towards States not party to the conflict (e.g., neighbouring States) and in relation to areas beyond the limits of national jurisdiction (e.g., the High Seas) are not affected by the existence of an armed conflict, unless stipulated otherwise.

6. Parties to a non-international armed conflict are encouraged to apply the same rules that protect the natural environment as those that prevail in international armed conflict and, accordingly, States are urged to incorporate such rules in their military manuals and instructions in a way that does not discriminate between different forms of armed conflict.

7. In cases not covered by rules of international agreements, the environment remains under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience (see the preamble of the Hague Convention IV, art. 2, para. 1, of Protocol I of 1977 and the preamble of Protocol II of 1977).

IV. SPECIFIC RULES ON THE PROTECTION OF THE NATURAL ENVIRONMENT

8. The natural environment is not a legitimate object of attack. Destruction of the environment not justified by military necessity may be punishable as a violation of international law (see art. 23, para. 1 (g), of the Hague Regulations, art. 53 of the Fourth Geneva Convention and arts. 35, para. 3, and 55 of Protocol I of 1977).

9. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause such damage and thereby prejudice the health or survival of the population (ibid.).

10. The general prohibition to destroy civilian objects, unless such destruction is justified by military necessity, also protects the environment (see art. 23, para. 1 (g), of the Hague Convention IV, art. 53 of the Fourth Geneva Convention, art. 52 of Protocol I of 1977 and art. 13 of Protocol II of 1977). In particular, States should take all measures required by international law with regard to:

(a) Making forests or other kinds of plant cover the object of attack by incendiary weapons except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives, or are themselves military objectives (see Protocol III to the Convention on conventional weapons);

(b) Attacks on objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas or drinking water installations (see art. 54 of Protocol I of 1977 and art. 14 of Protocol II of 1977);

(c) Attacks on works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, even where they are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population (see art. 56 of Protocol I of 1977 and art. 15 of Protocol II of 1977);

(d) Attacks on cultural property, including cultural and natural sites (see the 1954 Hague Convention for the Protection of Cultural Property in Event of Armed Conflict, art. 54 of Protocol I of 1977 and art. 16 of Protocol II of 1977).

11. The indiscriminate laying of landmines is prohibited. The location of all pre-planned minefields must be recorded. Any unrecorded laying of remotely delivered non-self-neutralizing landmines is prohibited. Special rules limit the emplacement and use of naval mines (see art. 51, paras. 4 and 5, of Protocol I of 1977, art. 7 of Protocol II to the Convention on conventional weapons and the Hague Convention VIII).

12. It is prohibited to use environmental modification techniques (i.e., any technique for changing - through the deliberate manipulation of natural processes - the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space) having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State (see ENMOD Conventions I and II).

13. Attacks against the natural environment by way of reprisals are prohibited (see art. 55, para. 2, of Protocol I of 1977).

14. States are urged to enter into further agreements which provide additional protection to objects containing dangerous forces which will have the effect of additionally protecting the environment (see art. 56, para. 6, of Protocol I of 1977).

15. Works or installations containing dangerous forces, or where hazardous activities are being carried out, sites that are essential to human health or the environment, and cultural property, including cultural and natural sites, should be clearly marked and identified in accordance with international rules (see art. 56, para. 7, of Protocol I of 1977 and art. 6 of the Hague Convention of 1954).

V. IMPLEMENTATION AND DISSEMINATION

16. States shall respect and ensure respect for the obligations under international law applicable in armed conflict, including the rules protecting the environment in times of armed conflict (see art. 1 of the Fourth Geneva Convention and art. 1, para. 1, of Protocol I of 1977).

17. States shall disseminate these rules and make them known as widely as possible in their respective countries. They should include these rules in their programmes of military and civil instruction (see art. 1 of the Hague Regulations, art. 144 of the Fourth Geneva Convention, art. 83 of Protocol I of 1977 and art. 19 of Protocol II of 1977).

18. In the study, development, acquisition or adoption of a new weapon, means or method of warfare, States are under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by applicable rules of international law, including those providing protection to the environment in times of armed conflict (see art. 36 of Protocol I of 1977).

19. In the event of armed conflict, parties to such a conflict shall facilitate and protect the work of impartial organizations contributing to prevent or repair damage to the environment (e.g., civil defence organizations), pursuant to special agreements between the parties concerned or, as the case may be, the permission granted by one of them. Such work should be performed with due regard to the security interests of the parties concerned (see art. 63, para. 2, of the Fourth Geneva Convention and arts. 61-64 of Protocol I of 1977).

20. In the event of breaches of the rules protecting the environment, measures shall be taken to stop any such violation and to prevent further breaches. Military commanders are required to prevent and, where necessary, to suppress and to report to competent authorities breaches of these rules. In serious cases, offenders shall be brought to justice (see arts. 146 and 147 of the Fourth Geneva Convention and arts. 86 and 87 of Protocol I of 1977).

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/270
6 August 1993

ORIGINAL: ENGLISH

Forty-eighth session
Item 73 (d) and (e) of the
provisional agenda*

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

Advisory Board on Disarmament Matters

United Nations Institute for Disarmament Research

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Director of the United Nations Institute for Disarmament Research on the activities of the Institute (see annex I) and the report of the Advisory Board on Disarmament Matters in its capacity as Board of Trustees of the Institute (see annex II).

* A/48/150.

ANNEX I

Report of the Director on the activities of the Institute for the period July 1992-June 1993

CONTENTS

Chapter		Paragraphs	Page
I.	INTRODUCTION	1 - 5	4
II.	ORGANIZATION AND METHODS OF WORK	6 - 11	4
III.	ESTABLISHED ACTIVITIES	12 - 21	6
	A. UNIDIR Newsletter	12 - 14	6
	B. Fellowship and internship programme	15 - 16	6
	C. National concepts of security	17 - 19	6
	D. Computerized information and documentation database service	20 - 21	7
IV.	COMPLETED PROJECTS	22 - 31	7
	A. Disarmament: problems related to outer space	22 - 23	7
	B. Confidence-building measures for maritime security	24	8
	C. Disarmament regimes: lessons of the twentieth century peace and post-war treaties	25	8
	D. Economic aspects of disarmament	26	8
	E. Chemical weapons	27	8
	F. Strategic doctrines and nuclear deterrence: problems and perspectives in the 1990s	28	9
	G. Conference of research institutes in the Middle East: concepts of security and disarmament in the Middle East and status of research	29 - 30	9
	H. START and nuclear disarmament	31	9
V.	PUBLICATIONS	32 - 34	10

CONTENTS (continued)

Chapter		Paragraphs	Page
VI.	CURRENT PROJECTS	35 - 41	12
	A. Disarmament: compliance and enforcement	35	12
	B. European security in the 1990s: new challenges and perspectives	36 - 39	12
	C. High-technology ground-to-space tracking: political, technical and economic aspects	40 - 41	13
VII.	EXTERNAL RELATIONS	42 - 43	13
VIII.	CONCLUSION	44 - 46	13

I. INTRODUCTION

1. The United Nations Institute for Disarmament Research (UNIDIR), which has been in existence since 1 October 1980, is an autonomous institution within the framework of the United Nations. The Institute was established by the General Assembly in its resolution 34/83 M of 11 December 1979 for the purpose of undertaking independent research on disarmament and related problems, particularly international security issues, working in close relationship with the Office for Disarmament Affairs.

2. The Statute of UNIDIR was approved by the General Assembly in its resolution 39/148 H of 17 December 1984.

3. The Statute provides that the Institute shall work on the basis of the provisions of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament (General Assembly resolution S-10/2) and that it shall aim at:

(a) Providing the international community with more diversified and complete data on problems relating to international security, the armaments race and disarmament in all fields, particularly in the nuclear field, so as to facilitate progress, through negotiations, towards greater security for all States and towards the economic and social development of all peoples;

(b) Promoting informed participation by all States in disarmament efforts;

(c) Assisting ongoing negotiations on disarmament and continuing efforts to ensure greater international security at a progressively lower level of armaments, particularly nuclear armaments, by means of objective and factual studies and analyses;

(d) Carrying out more in-depth, forward-looking and long-term research on disarmament, so as to provide a general insight into the problems involved, and stimulating new initiatives for new negotiations.

4. The present report is submitted to the General Assembly in pursuance of paragraph 6 of its resolution 39/148 H, and paragraph 6 of its resolution 45/62 G of 4 December 1990, by which the Director is invited to report annually to the Assembly on the activities carried out by the Institute. The present report is for the period July 1992 to June 1993. a/

5. An account of the activities of the Secretary-General's Advisory Board on Disarmament Matters, functioning in its capacity as the Board of Trustees of UNIDIR, is given in a separate report (see annex II of the present document).

II. ORGANIZATION AND METHODS OF WORK

6. UNIDIR has a very small staff, which, at present, in addition to the Director consists of a Deputy Director and two General Service staff. The Institute relies heavily on project-related short-term contracts to implement its research programme. This system of recruitment, which is geared to the

research programme and designed on a project basis, permits recourse to and utilization of reputable expertise available both inside and outside the United Nations system. It has also contributed to the efforts of UNIDIR to promote multilateralism in its research, expanding its relations and contacts with other research institutes and individual experts from different regions of the world. Full use is being made of existing United Nations services to ensure coordination, economy and cost-effectiveness.

7. Mr. Jayantha Dhanapala, Director of UNIDIR since 1 July 1987, completed his mandate on 1 July 1992. In conformity with the UNIDIR Statute (art. IV, para. 1), and after consultations with the Board, Mr. Sverre Lodgaard was appointed Director by the Secretary-General and took his tenure on 1 November 1992. The Deputy Director served as acting director from 1 July to 30 October 1992.

8. Within the approved research programme, the Institute hires the services of, or develops cooperation with, individual experts or research organizations for the implementation of the programme. It approaches those whom it considers qualified to be engaged in the respective research projects, determines the framework of the research and subsequently reviews the manuscript at the time of its finalization by the author before its publication and dissemination. Groups composed of persons known for their expertise and experience may be established to assist in carrying out research projects so that a multi-disciplinary approach and various schools of thought can be taken into account.

9. In each UNIDIR publication the procedure followed in the implementation and finalization of the research project is stated to make it understood that, although conducted within the research programme of UNIDIR and on its initiative, the contents of the publication are the responsibility of the author. Nevertheless, without taking a position on the views expressed by the authors of its research publications, UNIDIR assumes responsibility for determining whether the research merits publication and dissemination.

10. Voluntary contributions from States and public and private organizations form the principal financing of the Institute's activities. A subvention towards meeting the cost of the Director and the staff of the Institute is provided from the regular budget of the United Nations, in conformity with the provisions of the Statute of UNIDIR.

11. During the period under review, the following countries and institutions have either pledged or paid contributions to the Institute's Trust Fund, which are being utilized to finance the 1993 work programme of the Institute: Argentina, Australia, Bangladesh, Brazil, Canada, China, Cyprus, Finland, France, Germany, Greece, India, Indonesia, the Islamic Republic of Iran, Jamaica, Malta, Myanmar, New Zealand, Nigeria, Norway, Republic of Korea, Spain, Sri Lanka, Sweden, Switzerland, the Co-operative Security Competition Program - Canada, the Ford Foundation, the United States Institute of Peace, and the Volkswagen-Stiftung. UNIDIR avails itself of the opportunity to express its gratitude to these countries and institutions for their contributions.

III. ESTABLISHED ACTIVITIES

A. UNIDIR Newsletter

12. The publication of the UNIDIR Newsletter was continued as a means of maintaining and developing cooperation among research institutes in the field of disarmament, international security and other related fields and as a conduit for information to others.

13. During the period under review, four issues were published. They focused on the following subjects: (a) disarmament, environment and security (No. 18, June 1992); (b) economic aspects of disarmament (No. 19, September 1992); (c) chemical weapons convention (No. 20, December 1992); (d) research in the Middle East (No. 21, May 1993); a special issue was distributed, in advance, at the UNIDIR Conference of Research Institutes in the Middle East.

14. The three remaining issues for 1993 will be devoted to (a) START and nuclear disarmament; (b) security concepts; and (c) peace-keeping and peace making.

B. Fellowship and internship programme

15. The Institute's regular fellowship programme enables scholars from developing countries to undertake research on disarmament in UNIDIR. The work of the visiting fellows continued to make an important contribution. During 1992-1993, the visiting fellows of UNIDIR were: Mr. Mir Jafar Ghaemieh (Islamic Republic of Iran), Dr. Solomon M. Nkiwane (Zimbabwe), Mr. Miguel Angel Guerrero Lechon (Mexico), and Mr. Yong-Sup Han (Republic of Korea). A special contribution from Finland enabled UNIDIR to expand the programme and invite Mr. Kliava Ilgvars (Latvia) to be a visiting fellow in 1992.

16. UNIDIR also welcomed several interns and research scholars from Belgium, Canada, Finland, France, Germany, Romania, Spain, Switzerland and the United States of America.

C. National concepts of security

17. The project on national concepts of security of States has been a regular feature of the UNIDIR work programme for several years. The original intent was to publish a series of concise studies of 30 to 40 pages each, prepared by experts from the respective States and presenting the basic features of the security concepts of those States. Keeping within that format, UNIDIR has published, in chronological order, studies on the national concepts of security of Yugoslavia, Belgium, Austria, the former Union of Soviet Socialist Republics, the United States of America and China.

18. Conducted in a systematic way, such a series can greatly promote the understanding of national policies and facilitate the appreciation of specific conduct by States in a more general context. It could also explain some of the difficulties encountered in the course of disarmament negotiations. A globally

shared objective, such as general and complete disarmament under effective international control, is adapted in various ways to conform with diverse national security approaches, depending on each State's perceived security interests.

19. UNIDIR has now revised and expanded the format and structure of these monographs to ensure that they attain the objectives of the project without being entirely descriptive. Research reports on a number of countries are being undertaken with the cooperation of qualified authors who participated in a workshop organized by UNIDIR in 1989 to discuss research methodology and the different approaches to their tasks. Publications on New Zealand, Argentina and Sri Lanka have been issued in this series. A new project devoted to Russian security concepts and doctrines is underway.

D. Computerized information and documentation database service

20. The computerized disarmament information and documentation database service has elaborated a special software programme for a research institute database. One of the first products of the research institute database is the publication of an updated and revised version of the 1982 UNIDIR publication "Repertory of Disarmament Research", which contains information on the activities (research projects, publications etc.) of research institutes throughout the world. The database, which is being regularly updated, is also highly beneficial to UNIDIR efforts in maintaining and developing cooperation among research institutes and permits quick reference to ongoing activities in the field of disarmament research.

21. The entire system has been designed in such a way that expansion can be implemented through relatively minor changes (i.e. addition of software modules and bigger memory computers) in the present soft and hard-ware configuration. It also envisages in the future the retrieval of documents and other information through an on-line service.

IV. COMPLETED PROJECTS

A. Disarmament: problems related to outer space

22. This project analyses the implications that access to outer space technologies may have on arms limitation and disarmament, especially in the context of measures to improve international security. The research has focused on three distinct aspects of outer space technologies, namely the spread of launcher technologies; access to reconnaissance/navigation satellites including other space military support applications; and the potential development of space weapons. In addition, it has examined the debate on new agreements and institutional arrangements that may contribute to enhance international security, and the possible role that monitoring and verification can play as stabilizing elements of security.

23. The results of this research project have been published and will serve as the basis for a coming UNIDIR symposium which should address problems related to the transfer of dual-use outer space technologies. The symposium will

particularly focus on the future of existing control regimes as well as the potential multilateral legal arrangements aimed at ensuring cooperation in the field of outer space and curbing military uses of these technologies.

B. Confidence-building measures for maritime security

24. This research project has focused on confidence-building measures for maritime security. It analyses existing agreements and the record of international discussions on the subject and assists in the investigation of what confidence-building measures are likely to become negotiable in the foreseeable future and their relationship to the law of the sea and to arms limitation and disarmament. The results of two seminars on the subject organized by the Office for Disarmament Affairs in Denmark and Bulgaria were being taken into account. The last meeting of the group of expert researchers working on the project was held in May 1992 at Tunis, with the kind cooperation of the Ministry of Defence of Tunisia (see sect. V below).

C. Disarmament regimes: lessons of the twentieth century peace and post-war treaties

25. This project looks into the issue of disarmament as it has been addressed in the context of peace treaties, agreements and instruments related to the cessation of hostilities. A systematic analysis of the disarmament clauses and the mechanisms of verification of the relevant treaties, as well as their application and practice, allows for lessons to be drawn for current and future negotiations (ibid.).

D. Economic aspects of disarmament

26. In paragraph 7 of its resolution 45/62 G of 4 December 1990, the General Assembly requested UNIDIR "to prepare, with the assistance of independent experts, a research report on the economic aspects of disarmament" to be submitted by the Secretary-General to the Assembly at its forty-seventh session. The project was undertaken in 1991 and 1992 with a consultant and a group of eight experts, the costs being shared between the regular budget of the United Nations and voluntary contributions. Two meetings of experts were organized at Geneva. The final report was presented to the Assembly at its forty-sixth session (A/47/346, annex) and referred to in resolution A/47/54 F of 9 December 1992 (ibid.).

E. Chemical weapons

27. In view of the importance of the question of chemical weapons to the international community, and in the context of the elaboration of the Chemical Weapons Convention, UNIDIR has continued its research efforts in this area. In particular, the project analyses whether there exists interdependence of States in the field of chemical armaments and disarmament and whether interdependence is a condition for international cooperation in this context. The project identifies favourable factors and obstacles to chemical disarmament and provides

a framework for considering future developments and proposals. It is based on a dynamic analysis of regime formation (ibid.).

F. Strategic doctrines and nuclear deterrence: problems and perspectives in the 1990s

28. Following the transformation of the East-West division, the dramatic political changes in Europe and the new disarmament agreements that have been reached, there has been a radical rethinking of established strategic doctrines based on obsolete perceptions. In order to carry out a rigorous analysis of new emerging concepts and their feasibility as strategic doctrines enhancing common security and to expand discussions to a global scale, UNIDIR has organized a conference on the current problems and prospects of nuclear deterrence. Some 40 policy-makers, diplomats, experts and academics from different countries met in Paris in December 1992. Such questions as minimal deterrence, proliferation and non-proliferation were extensively addressed. A UNIDIR research report, including papers submitted and discussions, is in the process of publication.

G. Conference of research institutes in the Middle East: concepts of security and disarmament in the Middle East and status of research

29. In furtherance of its objective of fostering cooperation among research institutes, UNIDIR has organized global conferences of disarmament research institutes. Encouraged by the response to these, UNIDIR has initiated a series of regional conferences of research institutes to ensure wider participation and a focus on region-specific issues, beginning with Africa in 1990. The second regional Conference focusing on Latin America and the Caribbean was held in December 1991. The Conference of Asian and Pacific Institutes was held in Beijing in March 1992. The fourth regional conference was organized at Cairo on 18 and 19 April 1993 with the cooperation of the Egyptian authorities and of the Institute of Diplomatic Studies.

30. Apart from discussing concepts of security and approaches to disarmament in the region, the status of current research and the modalities for enhanced cooperation among institutes has been examined. Participants included researchers, experts and academics from different countries in the Middle East and a limited number of specialists from outside the region. UNIDIR will publish the papers presented at the Conference together with a summary of the discussions, as a research report (ibid.).

H. START and nuclear disarmament

31. The implementation of the START I and START II agreements, the latter signed on 3 January 1993, as well as the implementation of the Lisbon Protocol, poses a number of technical, economic and political problems. A round-table discussion focusing on these different implementation problems was organized at Geneva on 22 March 1993. The question of how the START implementation problems affect, more generally, nuclear non-proliferation efforts and what the perspectives are in this field were also discussed. Members of the diplomatic

and academic community at Geneva were invited to the round table. The June/July 1993 UNIDIR Newsletter will be devoted to this topic and will heavily draw on both the presentations and the ensuing discussions.

V. PUBLICATIONS

32. The research reports produced by UNIDIR are intended for publication and wide dissemination through free distribution to diplomatic missions, as well as research institutes, experts, academics, and sales through the United Nations Sales Section and other outlets. In addition to research reports, UNIDIR publishes research papers written by researchers within the UNIDIR programme of work. They are distributed in the same manner as the research reports. The third category of the publications programme of UNIDIR is the quarterly Newsletter.

33. Under arrangements concluded by UNIDIR, selected UNIDIR research reports are also published in English by commercial publishers and are available for purchase through their sales networks.

34. UNIDIR publications during the period under review are the following:

Research reports:

(a) Disarmament and Limitation of Armaments: Unilateral Measures and Policies, Proceedings of the Paris Conference, 24 January 1992, by Serge Sur (ed.), 1992, 94 pp., United Nations publication, Sales No. GV.E.92.0.23, also published in French as: Désarmement et limitation des armements: Mesures et attitudes unilatérales, Actes de la Conférence de Paris, 24 janvier 1992, sous la direction de Serge Sur, 1992, 103 pp., publication des Nations Unies, numéro de vente GV.F.92.0.23;

(b) Conference of Research Institutes in Asia and the Pacific, Proceedings of the Beijing (China) Conference, 23-25 March 1992, 1992, United Nations publication, Sales No. GV.E.92.0.29;

(c) Maritime Security: The Building of Confidence, by Jozef Goldbalt (ed.), 1992, 163 pp., United Nations publication, Sales No. GV.E.92.0.31;

(d) Towards 1995: The Prospects for Ending the Proliferation of Nuclear Weapons, by David Fischer, 1992, 292 pp., published for UNIDIR by Dartmouth Publishing Company (Aldershot, United Kingdom);

(e) From Versailles to Baghdad: Post-War Armament Control of Defeated States, by Fred Tanner (ed.), 1992, 264 pp., United Nations publication, Sales No. GV.E.92.0.26;

(f) Security of Third World Countries, by Jasjit Singh and Thomas Bernauer (eds.), 1993, 168 pp., published for UNIDIR by Dartmouth Publishing Company (Aldershot, United Kingdom);

(g) Regional Approaches to Disarmament, Security and Stability, by Jayantha Dhanapala (ed.), 1993, 282 pp., published for UNIDIR by Dartmouth Publishing Company (Aldershot, United Kingdom);

(h) Economic Aspects of Disarmament: Disarmament as an Investment Process, by Keith Hartley, 1993, 91 pp., United Nations publication, Sales No. GV.E.93.0.3., also published in French as: Aspects économiques du désarmement: Le désarmement en tant qu'investissement, par Keith Hartley, 1993, 104 pp., publication des Nations Unies, numéro de vente GV.F.93.0.3. (This publication is also available as document A/47/346, annex);

(i) Non-military Aspects of Security - A Systems Approach, by Dietrich Fischer, 1993, 222 pp., published for UNIDIR by Dartmouth Publishing Company (Aldershot, United Kingdom);

(j) Conference of Latin American and Caribbean Research Institutes, Proceedings of the São Paolo Conference, 2-3 December 1991, by Péricles Gasparini Alves (ed.), 1993, 202 pp., United Nations publication, Sales No. GV.E.93.0.8;

(k) The Chemistry of Regime Formation: Explaining International Cooperation for a Comprehensive Ban on Chemical Weapons, by Thomas Bernauer, 1993, 473 pp., published for UNIDIR by Dartmouth Publishing Company (Aldershot, United Kingdom);

Research papers:

(l) The Non-Proliferation Treaty: How to Remove the Residual Threats, by Jozef Goldblat, Research Paper No. 13, 1992, 36 pp., United Nations publication, Sales No. GV.E.92.0.25, also published in French as: Le Traité sur la non-prolifération: Comment parer les menaces, par Jozef Goldblat, Travaux de recherche No. 13, 1993, 40 pp., publication des Nations Unies, numéro de vente: GV.F.92.0.25;

(m) Ukraine's Non-Nuclear Option, by Victor Batiouk, Research Paper No. 14, 1992, 34 pp., United Nations publication, Sales No. GV.E.92.0.28;

(n) Access to Outer Space Technologies: Implications for International Security, by Péricles Gasparini Alves, Research Paper No. 15, 1992, 160 pp., United Nations publication, Sales No. GV.E.92.0.30;

(o) Regional Security and Confidence-Building Processes: The Case of Southern Africa in the 1990s, by Solomon M. Nkiwane, Research Paper No. 16, 1993, 57 pp., United Nations publication, Sales No. GV.E.93.0.6;

(p) Technical Problems in the Verification of a Ban on Space Weapons, by Stanislav Rodionov, Research Paper No. 17, 1993, 104 pp., United Nations publication, Sales No. GV.E.93.0.12;

UNIDIR Newsletters:

(q) No. 18, June 1992, Disarmament - Environment - Security/Désarmement - Environnement - Sécurité, 52 pp;

(r) No. 19, September 1992, Economic Aspects of Disarmament/Aspects économiques du désarmement, 66 pp;

(s) No. 20, December 1992, The Chemical Weapon Convention/La Convention sur les armes chimiques, 100 pp;

(t) No. 21, March 1993, Research in the Middle East/La recherche au Proche et Moyen Orient, 70 pp.

VI. CURRENT PROJECTS

A. Disarmament: compliance and enforcement

35. This project is a follow-up to the work of UNIDIR on verification. It considers situations where non-compliance could be established and analyses the options open to parties to a treaty or an instrument in such situations. The research project, which focuses on current obligations, examines the nature of possible violations, their gravity, their consequences in terms of security, and discusses, on that basis, reactions or sanctions that would appear appropriate. It also endeavours to make suggestions and proposals on the application and fulfilment of disarmament treaties. A symposium will be organized at Geneva in August 1993, with around 30 participants from different disciplines and origins. A research report will then be published.

B. European security in the 1990s: new challenges and perspectives

36. A pan-European security process has been set in motion, particularly after the signature, in November 1990, of the Treaty on Conventional Armed Forces in Europe and the Charter of Paris.

37. Nevertheless, new challenges are at the same time arising: civil, as well as international wars, political instabilities, economic difficulties, nationalistic drives, and migrations of populations are disturbing the continent. The problems of political and economic transitions from one system to another are yet to be solved. These developments threaten the stability of a number of States and more generally of the continent. They also generate new difficulties in the security relations among European States, in particular in the military and disarmament fields.

38. The purpose of this research project is to evaluate the prospects for European security, to analyse the different types of security problems, to examine the means at the disposal of the European States to deal with these problems, both at the internal, inter-State, and international levels, and to develop ideas and put forward suggestions as to how existing mechanisms may be used, strengthened and/or improved.

39. Two main consultants have been appointed by UNIDIR. Several experts have been asked to prepare technical papers on specific issues (such as demography and migrations, economic transitions, minorities, etc.). These papers could be separately published as Research Papers. A meeting of the group of experts will

take place at Geneva in September 1993, and the final report should be elaborated by the end of 1993.

C. High-technology ground-to-space tracking: political, technical, and economic aspects

40. This project complements the series of UNIDIR research reports examining high technologies which could be used for monitoring and verification purposes. The project analyses present and future ground-to-space capabilities and examines political implications, technical feasibilities and economic requirements in the development and operation of the aforementioned technologies, especially in the context of confidence-building measures related to outer space activities.

41. A group of experts is in the process of being designated by UNIDIR and a first meeting is scheduled to be held in September 1993 at the Canadian Algonquin Space Tracking Facility. The experts will discuss, inter alia, different types of ground-to-space tracking techniques and their economic implications, as well as organizational settings within which they could be used. The meeting will be followed by a real-time simulation of ground-to-space tracking operation.

VII. EXTERNAL RELATIONS

42. UNIDIR has continued to maintain close cooperation with the Office for Disarmament Affairs of the Secretariat ensuring complementarity and coordination. It also continues to cooperate with other organizations and bodies in the United Nations system working in the field of disarmament and international security.

43. Several aspects of the Institute's activities have contributed to the development of relations with other research institutes, such as the hiring of services of institutes for implementing the research programme and the publication of the quarterly Newsletter. The Director and Deputy Director accepted invitations to speak at universities and institutes with which UNIDIR has links. UNIDIR staff members have contributed articles to international journals on disarmament issues. A number of visitors from Governments, organizations and institutes were also welcomed at UNIDIR with some of them participating in UNIDIR staff seminars.

VIII. CONCLUSION

44. UNIDIR gratefully acknowledges the administrative and other support received from the United Nations in New York and the United Nations Office at Geneva in terms of article IX of the statute of UNIDIR.

45. The UNIDIR fund-raising campaign continues to be pursued vigorously especially with public and private foundations. The continued receipt of a subvention from the regular budget of the United Nations in accordance with article VII of the statute of UNIDIR is vital. The mixed nature of the funding

of the Institute envisaged in the statute is also a means of guaranteeing the essentially independent and autonomous character of UNIDIR while increased and more reliable flows of resources will ensure its steady growth.

46. The Institute continues to implement its mandate as contained in its statute.

Notes

a/ For previous reports on the activities of the Institute, see A/38/475, annex; A/39/553, annex; A/40/725, annex; A/41/676, annex; A/42/607, annex; A/43/687, annex; A/44/421, annex; A/45/392, annex; A/46/334, annex, and A/47/345, annex.

ANNEX II

Report of the Advisory Board on Disarmament Matters in its capacity as Board of Trustees of the United Nations Institute for Disarmament Research

CONTENTS

		Paragraphs	Page
I.	REPORT OF THE DIRECTOR ON THE WORK OF THE UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH	1 - 3	16
II.	PROPOSED ANNUAL BUDGET FOR 1994	4 - 9	16
III.	WORK PROGRAMME FOR 1994	10 - 11	18

I. REPORT OF THE DIRECTOR ON THE WORK OF THE UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH

1. In accordance with the provisions of article IV, paragraph 2 (i), of the statute of UNIDIR, the Director reported to the Board on the Institute's activities and the execution of the work programme.

2. The Board approved the Director's report for submission to the General Assembly (see annex I of the present document) and praised the impressive level of productivity of the Institute. The Board warmly welcomed Mr. Sverre Lodgaard as the new Director of UNIDIR, appointed by the Secretary-General on 1 November 1992, after consultations with the Board. The Board also extended its appreciation to Mr. Serge Sur, Deputy-Director of UNIDIR, for the able manner with which he conducted the work of the Institute during the transition period until the appointment of the new Director. The Board expressed its high regard for the efficiency and competence displayed by the staff of UNIDIR.

3. The Board welcomed the efforts of the Director to increase the amount of voluntary contributions for research proposals and took note of the positive results achieved thus far. At the same time, the Board expressed the view that the annual subvention from the regular budget of the United Nations would continue to be needed in order to assure the independence and the financial viability of the Institute.

II. PROPOSED ANNUAL BUDGET FOR 1994

4. The Board considered the proposed annual budget for the Institute for 1994. It had before it a draft programme of work and proposed budget estimates and the comments made by the Advisory Committee on Administrative and Budgetary Questions on the draft.

5. The Board was informed that, as at 11 June 1993, the estimated assured income from voluntary contributions was as follows:

Contributors	Status	Amount in local currency	Amount in United States dollars
a. Contributions received (79 000)			
Brazil	Received		2 000
Greece	Received		7 000
Luxembourg	Received		2 000
Norway	Received		50 000
Spain	Received		18 000
b. Pledged contributions (464 700)			
Australia	Pledged	$A 20 000*	14 200
France	Pledged		275 600
Norway	Pledged		100 000
Republic of Korea	Pledged		5 000
Switzerland	Pledged	SF 100 000*	69 900
Total 1993 UNIDIR estimated income from voluntary sources			543 700

* Based on monthly operational rate of exchange for the month of May 1993 (1.41 $A = 1 US$ and 1.43 SF = 1 US$).

6. The Board was informed that, in the proposed programme budget of the United Nations for the biennium 1994-1995, a non-recurrent provision of $440,000 is proposed as a grant, representing the United Nations subvention to UNIDIR for 1994-1995. The purpose of the subvention is set out in article VII, paragraph 2, of the statute of the Institute:

> "A subvention towards meeting the costs of the Director and the staff of the Institute may be provided from the regular budget of the United Nations. The actual amount ... may be less than, but shall not exceed, an amount equivalent to one half of the assured income of the Institute from voluntary sources in respect of the year for which a subvention is being requested."

7. The Board recommends a subvention of $220,000 from the regular budget of the United Nations for 1994. This sum, unchanged since 1990, will be $51,850 below the maximum amount of $271,850 that could be requested under the terms of the statute.

8. Subject to the General Assembly's approval of the proposed subvention, the total estimated funds available to UNIDIR in 1994 would be $1,007,400, including the Fund Balance of $277,700 estimated to be available as at 31 December 1993.

9. The estimated total resource requirements for 1994 (all convertible currency) are summarized as follows:

Resource requirements	1994 estimates (United States dollars)
A. Direct programme and administrative costs	
Temporary assistance for meetings	7.0
Consultants' fees and travel	58.3
Ad hoc expert groups	65.4
Salaries and related staff costs	433.9
Personal service contracts	172.8
Fellowship programme (stipend)	60.6
Official travel of staff	32.5
Travel of Fellows	8.5
Language training	1.0
External printing and binding	10.0
Rental and maintenance of equipment	10.5
Subscriptions and standing orders	1.0
Supplies and materials	6.0
Acquisition of office equipment	-
Total A	867.5
B. Programme Support Costs	
(5 per cent of total A, less United Nations subvention)	32.4
Total Estimated Expenditure	
(A + B)	899.9
C. Operating Cash Reserve	
(15 per cent of total A and B, less United Nations subvention)	102.0
Grand total A + B + C	1,001.9

III. WORK PROGRAMME FOR 1994

10. At its twenty-fourth session, the Board held an in-depth discussion on the proposed work programme for 1994. Many valuable suggestions were made by members, which will be taken into account in the implementation of the work programme. The following work programme for UNIDIR was approved by the Board for 1994:

(a) Subprogramme 1: Non-proliferation. Four projects will be carried out under this subprogramme, notably in view of the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

(i) Nuclear policies in North-East Asia. This new research project may be the first part of a larger project on security and disarmament in East Asia. The unpredictability of ongoing structural transformations, old unresolved conflicts, and growing military expenditures create a setting in which the role of nuclear weapons remains a source of great concern;

(ii) Non-proliferation of weapons technology. Originally approved by the Board of Trustees in 1992, this research project will review the proliferation of weapons technologies (nuclear weapons, chemical weapons, biological weapons, missile technology, new weapons of mass destruction) and the means to limit their transfer. The project will address such topics as sensitive system components and support technologies; issues relating to intelligence assessment and its impact on the effective implementation of a non-proliferation regime; and cooperation between the actors involved in non-proliferation efforts. Each part of the project aims at proposing concrete steps for the improvement of existing regimes, and at suggesting new approaches towards controlling the dissemination of sensitive technologies;

(iii) Military brain drain from the former Soviet Union. The massive emigration of scientists, engineers and technologists from the former Soviet Union has been one of the most significant repercussions of the breakup of that country. This new project will examine the extent of the emigration, externally to other countries and internally to non-science-related occupations. The focus will be on the professions and skills related to maintaining national and international security - expertise in nuclear weapons, nuclear power, other military technologies and the management of environmental degradation. The project will review the current status of institutions that have been set up to address the issue and discuss policy options aimed at strengthening national and international security;

(iv) Security assurances for non nuclear-weapon States. Under this new project, the question of security assurances to non nuclear-weapon States will be revisited in the light of new problems and opportunities after the cold war.

(b) Subprogramme 2: Verification, compliance, and enforcement. Two projects will be carried out under this sub-programme:

(i) High technology ground-to-space tracking. This project, originally approved by the Board in 1992, will continue and complement the series of UNIDIR research reports on high technology for monitoring and verification. The report, which will contain a technical assessment of ground-to-space tracking systems as well as an examination of their utility for purposes of confidence-building, will be made by a group

of experts which will meet twice, the first time in Canada in the autumn of 1993;

(ii) International organizations, monitoring and verification. This project on international organizations, monitoring and verification in the field of disarmament and international security will continue in 1994. It describes and evaluates the role that international organizations are playing in these areas, and examines prospects and proposals for enhancement of their functions.

(c) Subprogramme 3: Disarmament and conflict resolution.

Examination of the disarmament dimension of conflict management processes supported or conducted by the United Nations. This new project aims at a systematic examination of the disarmament dimension of conflict management processes supported or conducted by the United Nations. Five attempts at agreed or internationally imposed disarmament of warring factions as an integral part of the settlement of regional or internal conflicts will be examined: Cambodia, Somalia, former Yugoslavia, Angola/Namibia, and El Salvador/Nicaragua. Among the issues to be examined are (a) under what conditions are agreements containing disarmament provisions called for; (b) what are the modalities of disarmament in the context of civil strife; (c) how can external channels of supply be controlled and cut; (d) how should troops be trained and equipped for the task of disarming warring factions; (e) what kinds of verification mechanisms might be applied; (f) what is the role of the police in the pursuit of orderly change and internal security; and (g) what would be the procedures for the settlement of disputes. The project may also address the wider issue of demobilization of forces.

(d) Subprogramme 4: Outer space.

The expanding access to military space technology: implications for international security. This is a continuing project that will examine the consequences, in terms of international security and disarmament, of the dissemination of space capabilities and technologies.

(e) Subprogramme 5: security concepts. Three projects will be carried out under this subprogramme:

(i) Russian security concepts and doctrines. For a number of years, UNIDIR has published research reports on national security concepts. The next report in this line of research will examine Russian security concepts and doctrines, including a discussion of the military relations among States of the Commonwealth of Independent States (CIS); Russia's approach to low-intensity conflicts; and its role in the new European security arrangements;

(ii) Security problems and perspectives of new European and Central Asian States. This new project will consist of a symposium on the security problems and perspectives of new European and Central Asian States aimed at familiarizing this heterogeneous group of States with each other's security concerns. The objectives of the symposium are therefore educational as well as policy-oriented;

(iii) The security of small States. This project is a continuation of an existing subprogramme regarding the special security problems of States with small populations and territories. The research, which will be comparative in character, will evaluate traditional approaches to national security and discuss new security concepts that might prove more adequate. It will be conducted by a consultant and several experts from regions such as the Gulf, Asia/Pacific Ocean, Indian Ocean, and the Caribbean.

(f) Subprogramme 6: regional security issues. Three activities will be developed under this subprogramme:

(i) Confidence-building in the Middle East. Under this new project, an expert group on confidence- and security-building measures in the Middle East, will be established. Drawing upon European experiences with confidence- and security-building measures, while taking Middle Eastern realities as points of departure, the working group will be charged with the task of elaborating specific confidence- and security-building measures for the entire region. At the same time, measures of particular interest for smaller sub-sets of States may be examined;

(ii) Eurasia: elements for a new geopolitical approach. Under this new project, it is proposed to hold a symposium in Turkey, in 1994, on vital issues of security and cooperation relating to the new geopolitical context around the Black Sea and the Mediterranean. In some respects, this will be a continuation of the conference organized by UNIDIR at Rhodes, in 1991, on the security problems of the Balkans;

(iii) The future of transatlantic relations. This new project will be carried out through the convening of a conference on the future of transatlantic relations. The conference will be held in Normandy, in connection with the fiftieth anniversary of the landing in Normandy. Generally, the conference will address the restructuring of transatlantic relations and the role that regional security arrangements may play in the strengthening of global collective security.

(g) Subprogramme 7: Cooperation with and among research institutes. Two activities will be carried out under this subprogramme:

(i) Maintenance and development of a computerized information and documentation database service. Under this ongoing project, UNIDIR will maintain and develop its computerized information and documentation database service. The UNIDIR Research Institute Database, containing some 1,000 references, will be put on-line in the course of 1993. The database service will provide biographical data and reference materials on paper and/or disk and electronic access to the computerized database;

(ii) UNIDIR Newsletter. The publication of the quarterly UNIDIR Newsletter will continue as a means of developing, enhancing and institutionalizing relations with research institutes and individual

experts while, at the same time, facilitating access by a number of States, particularly developing ones, to existing information on disarmament.

(h) Subprogramme 8: UNIDIR fellowship programme. The UNIDIR fellowship programme for scholars from developing countries is now being expanded. While in the past fellows were recruited for a period of three months each, they may now stay up to half a year.

11. The Board was also informed by the Director of the Institute on the elements of the programme for 1995. The Board expressed strong support for the items listed therein, namely: the evolution of collective security within the context of the United Nations, regional security issues, and non-proliferation, and made a number of useful recommendations for their further elaboration.